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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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*
UNITED STATES OF AMERICA *
* 09-CR-30-01-GZS
v. * January 11, 2010
* 8:05 a.m.
EDWARD BROWN *
*
* * * * *

TRANSCRIPT OF COMPETENCY HEARING AND SENTENCING
BEFORE THE HONORABLE GEORGE G. SINGAL

Appearances:

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I N D E X

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WITNESS: DIRECT CROSS REDIRECT RECROSS

SHAWN CHANNELL, Ph.D.

By Ms. Ollila 5 49

By Mr. Iacopino 32

EXHIBITS: ID. Evid.

Government's Exhibit 1A 27

1 BEFORE THE COURT

2 THE CLERK: Court has before it for
3 consideration this morning a competency hearing in
4 Criminal Case 09-cr-30-01-GZS, United States of America
5 versus Edward Brown.

6 THE COURT: Good morning, counsel.

7 MR. HUFTALEN: Good morning, your Honor.

8 THE COURT: Counsel, if you'd enter your
9 appearance.

10 MR. HUFTALEN: Arnold Huftalen for the
11 government, your Honor.

12 MS. OLLILA: Terry Ollila for the United
13 States, your Honor.

14 MR. HUFTALEN: With us at counsel table is
15 Dena Blanco.

16 MR. IACOPINO: Michael Iacopino by appointment
17 of the court for Mr. Brown.

18 MR. BROWN: You're not for this Mr. Brown,
19 sir.

20 THE COURT: All right, counsel. We are here
21 for a competency hearing. I assume the witnesses are
22 present. Counsel want to make a statement before you
23 proceed?

24 MS. OLLILA: Not from the United States, your
25 Honor. The witness is all ready.

1 MR. IACOPINO: I do, your Honor.

2 THE COURT: You do?

3 MR. IACOPINO: Your Honor, I would like to
4 point out that despite my best efforts in trying to
5 communicate with my client, he has steadfastly refused
6 to communicate with me, to see me at the jail, even to
7 see me even this morning prior to our hearing today.

8 MR. BROWN: Objection.

9 MR. IACOPINO: I've done my best to get the
10 various documents to him. I cannot report to this Court
11 whether or not he has read those documents or is aware
12 of what's in there because of his refusal to communicate
13 with me, your Honor, and I just want to alert the Court
14 to that before we begin the hearing.

15 THE COURT: All right. Thank you.

16 MR. BROWN: Objection.

17 THE COURT: I've heard it.

18 MR. BROWN: Are we rushing to judgment? Are
19 we rushing to sentencing and judgment here, sir?

20 THE COURT: Mr. Brown, don't interrupt. I'm
21 going to give you an opportunity to talk.

22 MR. BROWN: You don't have to, sir. We know
23 who you are, sir, and what's going on in this courtroom.
24 This is not a courtroom any longer. It hasn't been
25 since 1976 as a matter of fact, and you know that this

1 is an administrative --

2 THE COURT: Mr. Brown, I'm going to give
3 you -- Mr. Brown, let me warn you. If you disrupt --

4 MR. BROWN: You just destroyed my life.

5 THE COURT: If you disrupt the proceedings,
6 I'm going to have you removed.

7 MR. BROWN: The three of you.

8 THE COURT: That's your first warning. Now
9 call your witness.

10 MS. OLLILA: Thank you very much, your Honor.
11 The United States calls Dr. Shawn Channell.

12 SHAWN CHANNELL, Ph.D.

13 having been duly sworn, testified as follows:

14 THE CLERK: Please be seated. And for the
15 record, if you'd please state your name and spell your
16 name.

17 THE WITNESS: Shawn Channell, S-H-A-W-N,
18 C-H-A-N-N-E-L-L.

19 DIRECT EXAMINATION

20 BY MS. OLLILA:

21 MS. OLLILA: Good morning, sir.

22 THE WITNESS: Good morning.

23 Q. How are you employed?

24 A. I am employed as a forensic psychologist at
25 the Federal Medical Center in Devens, Massachusetts.

1 Q. What's your educational background, Dr.
2 Channell?

3 A. I have a doctorate in clinical psychology and
4 a Ph.D.

5 Q. Where'd you get your doctorate and Ph.D.?

6 A. Western Michigan University.

7 Q. After graduating where did you go?

8 A. Well, prior to graduating, I completed an
9 internship at the Federal Medical Center in Rochester,
10 Minnesota. From there I was employed as a staff
11 psychologist at the Metropolitan Correctional Center in
12 San Diego, California.

13 Q. With respect to being employed in Rochester
14 and also in San Diego, did you have an occasion to
15 engage in any competency evaluations?

16 A. Yes, both at Rochester and San Diego I
17 completed competency evaluations.

18 Q. Approximately how many?

19 A. Not a great deal. Probably three on my
20 internship and approximately three as well when I was a
21 staff psychologist.

22 Q. How long did you stay in San Diego?

23 A. Four years.

24 Q. And where'd you go after that, sir?

25 A. I went to the Federal Correctional Institution

1 in Waseca, Minnesota, as a forensic psychologist.

2 Q. The Federal Correctional Institute, is that a
3 Bureau of Prisons institution?

4 A. Yes, it is.

5 Q. And how long did you stay there?

6 A. About two and a half years.

7 Q. Did you have the occasion to conduct any
8 competency evaluations at that facility?

9 A. Yes. My primary work there was conducting
10 evaluations for federal court, and the majority of those
11 were competency.

12 Q. Approximately how many competency evaluations
13 did you conduct?

14 A. At Waseca, probably about 75.

15 Q. And how long did you stay at Waseca?

16 A. Just over two years.

17 Q. And where were you employed after?

18 A. My current position as a forensic psychologist
19 at the Federal Medical Center in Devens, Massachusetts.

20 Q. How long have you been at Devens, sir?

21 A. Since December 2005.

22 Q. With respect to being employed at the Federal
23 Medical Center at Devens, have you engaged in any
24 competency evaluations?

25 A. Yes. I've done approximately 200 competency

1 evaluations at Devens.

2 Q. And have they all been for the federal
3 government?

4 A. Yes.

5 Q. So in your career you conducted in excess of
6 300 competency evaluations?

7 A. Approximately, yes.

8 Q. Have you ever published any articles and/or
9 books?

10 A. No.

11 MS. OLLILA: Your Honor, at this point the
12 United States would ask that Dr. Channell be able to
13 testify in his capacity as an expert in the conducting
14 of competency evaluations.

15 THE COURT: You may proceed with your exam.

16 Q. Dr. Channell, when engaging in competency
17 evaluations, generally what do you do?

18 A. Well, once the court issues an order for a
19 competency evaluation, the Bureau of Prisons
20 designations office will forward us a copy of the court
21 order. At that point we have a secretary who begins
22 gathering documents, the court docket, contacts, the
23 prosecuting and the defense attorneys and requests any
24 information they may have.

25 When the individual arrives at the facility,

1 we conduct an intake interview during which we will
2 determine whether or not they have any current mental
3 health problems or whether or not they have any imminent
4 treatment needs and whether or not they pose a danger to
5 themselves or others. During that interview we also
6 explain to them the purpose of the evaluation, the lack
7 of confidentiality, the other issues that would pertain
8 to the evaluation.

9 Q. Dr. Channell, let me interrupt you there for a
10 moment. You had indicated that as part of the initial
11 proceedings, you conduct an intake interview. Is that
12 correct?

13 A. Yes, that's correct.

14 Q. When you say "we" conduct an intake interview,
15 is that you conducting an intake interview?

16 A. Yes.

17 Q. Now, what happens during the course of the
18 intake interview and how lengthy is it?

19 A. It's approximately 30 minutes to an hour. In
20 Mr. Brown's case it was approximately an hour. As I
21 said, we go over the court order, explain the purpose of
22 the evaluation, the fact that we will be preparing a
23 report which will be submitted to the court and to the
24 prosecuting and defense attorneys, the fact that the
25 information the defendant shares during the course of

1 the evaluation isn't confidential.

2 Then we conduct a brief background interview,
3 a mental status interview to determine whether or not
4 the person has any pressing mental health concerns, and
5 we at that point would also have the defendant sign
6 release of information forms if there were, for example,
7 prior treatment records that we needed to obtain, and
8 then we make a determination about where we will house
9 the defendant and start planning the remainder of the
10 evaluation.

11 Q. Now, Dr. Channell, you've mentioned in
12 reference Mr. Brown. Are you referring to Edward Brown?

13 A. Yes.

14 Q. And do you see him in the courtroom today?

15 A. Yes, I do.

16 Q. Could you please point to him and describe an
17 article of clothing that he's wearing?

18 A. He's sitting at defense counsel's table
19 wearing a khaki jumpsuit.

20 MS. OLLILA: Your Honor, may the record
21 reflect that the witness has identified the defendant,
22 Edward Brown.

23 THE COURT: So noted.

24 MR. BROWN: Objection.

25 Q. During the course of your intake interview

1 with Mr. Brown, how was his affect? How did you find
2 him?

3 A. He was irritated about the fact that he had
4 been referred for a competency evaluation and the fact
5 that he would have to be at the facility for that
6 evaluation.

7 Q. Did he answer all your questions?

8 A. For the most part, yes.

9 Q. Did you hear anything that he said which led
10 you to believe that he might be suffering from any
11 mental illness?

12 A. Well, he made a number of unusual statements
13 about the federal government and his beliefs about the
14 federal government and the way the government had
15 affected him, and then he also made a number of
16 statements about events that had occurred since he was
17 arrested, which, again, were unusual and indicated some
18 suspiciousness on his part, possibly some paranoia.

19 MR. BROWN: Objection.

20 Q. Dr. Channell, can you give some examples of
21 what Mr. Brown said --

22 MR. BROWN: Objection.

23 THE COURT: Be quiet, Mr. Brown.

24 MR. BROWN: Excuse me.

25 THE COURT: Mr. Brown --

1 MR. BROWN: I have a right to object.

2 THE COURT: Mr. Brown, I know you would like
3 to --

4 MR. BROWN: I've got the evidence of what I
5 wanted to offer to Dr. Channell here to show him what I
6 was talking about. He refused to look at it.

7 THE COURT: Mr. Brown, I know you would like
8 to watch this proceeding. So if you'd like to watch it,
9 you are going to keep quiet. Otherwise --

10 MR. BROWN: -- you rushed everything else.

11 THE COURT: Otherwise you are going out.

12 MR. BROWN: I understand, sir, but I still
13 object.

14 Q. Dr. Channell, you indicated that Mr. Brown had
15 made some comments which led you to believe that he
16 might be paranoid. What were some of those comments
17 that he made?

18 A. Well, one in particular was that while he was
19 housed in a county jail, he believed that he was gassed
20 with chlorine bleach gas over the course of 30 days.

21 MR. BROWN: That is of record, sir.

22 THE COURT: Mr. Brown.

23 A. That was an unusual comment that he had made
24 regarding an incident that had happened to him. Just in
25 general that he had been inappropriately mistreated by

1 correctional staff because of his beliefs.

2 MR. BROWN: Also --

3 Q. You also testified, Dr. Channell, that Mr.
4 Brown had some unusual notions about the federal
5 government. What type of things did he voice to you
6 that were concerning to you?

7 A. Well, he doesn't recognize the authority of
8 the federal government.

9 MR. BROWN: That's incorrect, sir.

10 THE COURT: Just a second. Mr. Brown --

11 MR. BROWN: I never said that.

12 THE COURT: All right. Understand something,
13 Mr. Brown. The next time you interrupt, we are going to
14 have this hearing without you present. Do you
15 understand what I'm saying?

16 MR. BROWN: I have the proof right here on
17 this desk.

18 THE COURT: Like a six-year-old you are going
19 to get a five-minute timeout. Out.

20 MR. BROWN: Sir, you're a six-year-old. Just
21 remember, folks, Jesse Ventura is correct. It's not a
22 theory, it's a fact, and that judge is a criminal, he's
23 a communist --

24 (Mr. Brown exited courtroom.)

25 THE COURT: All right. We are going to take a

1 five-minute recess, Mr. Iacopino. You talk to your
2 client.

3 MR. IACOPINO: Your Honor, I just want to let
4 you know. I highly doubt he's going to talk to me.

5 THE COURT: Well, you talk to your client. If
6 he's going to be quiet, I'm going to let him back in.
7 If he's going to remain disruptive, he's going to stay
8 in the cell. We're going to have this hearing in spite
9 of his interruptions. Five-minute recess.

10 (Brief recess taken.)

11 THE COURT: Counsel is in court, defendant is
12 in court. You may proceed.

13 MS. OLLILA: Thank you, your Honor.

14 Q. Dr. Channell, you were testifying that Mr.
15 Brown had some unusual beliefs. One of those unusual
16 beliefs is that the court didn't have jurisdiction over
17 him and that perhaps he was being gassed while he was
18 incarcerated. Is that correct?

19 A. Yes.

20 Q. Those unusual beliefs, are they indicative in
21 and of themselves of mental illness?

22 A. No.

23 Q. Had you ever heard similar beliefs in the
24 past?

25 A. Well, with regard to the anti-government

1 beliefs, I have conducted evaluations on probably six or
2 seven other individuals who had similar, if not
3 identical, beliefs.

4 Q. The evaluations on those individuals, were
5 they individuals who had strong beliefs with respect to
6 the payment of taxes?

7 A. Some of them.

8 Q. And were their beliefs consistent with Mr.
9 Brown's beliefs?

10 A. Many of them were, yes.

11 Q. Now, Dr. Channell, you indicated that you
12 gained some of this information during the course of the
13 intake, is that correct, of Mr. Brown?

14 A. We didn't spend a great deal of time during
15 the intake talking about his beliefs with regard to the
16 government. At that point I had primarily reviewed the
17 information already in the court docket, specifically
18 the motion for the competency evaluation, which noted a
19 number of his beliefs.

20 Q. Did you conduct numerous interviews of Mr.
21 Brown?

22 A. Yes. We did three further interviews where we
23 just focused on his background history and his
24 perception with regard to, you know, the government and
25 things of that nature. Then we did another interview

1 where we discussed specific competency related issues,
2 and we administered one psychological instrument.

3 Q. So you conducted the intake interview. Is
4 that correct?

5 A. Yes.

6 Q. And you conducted three additional interviews
7 of Mr. Brown where you got background information. Is
8 that correct?

9 A. Yes.

10 Q. And approximately how long did you spend with
11 Mr. Brown during those three additional interviews?

12 A. About six hours.

13 Q. Were you alone during your interviews?

14 A. No, I wasn't.

15 Q. And who were you with?

16 A. I supervise the interns. We have an APA,
17 accredited predoctoral internship program. I supervise
18 the interns on the forensic rotation. I had an intern
19 with me during several of those interviews and also had
20 a practicum student with me during several of those
21 interviews.

22 Q. Now, you indicated that during those three
23 interviews they took approximately six hours. Is that
24 correct?

25 A. Yes.

1 Q. Is that unusual to interview someone for an
2 extended period of time?

3 A. Well, we always interview the defendants for
4 an extended period of time, but I would say that I spent
5 more time with Mr. Brown than is typical, yes.

6 Q. Why?

7 A. Well, he's an individual -- first of all, he's
8 very talkative. He has a lot to say. He's also an
9 individual that isn't particularly amenable to a
10 question and answer type of interview. You know, he
11 wants to talk about things on his terms, and I was fine
12 with that and allowed him to do that, and over the
13 course of conducting the interviews in that manner, he
14 provided the information which was necessary to conduct
15 the evaluation.

16 Q. What types of background information did you
17 gain from Mr. Brown?

18 A. What we talked about is his childhood, his
19 school history, his work history, his relationship
20 history, his criminal history, and his mental health
21 history, although he doesn't have any mental health
22 history. We talked about that.

23 Q. When Mr. Brown arrived at the institution, did
24 you have any information that he was currently on any
25 medications?

1 A. No, he wasn't.

2 Q. With respect to the interviews -- the three
3 separate interviews, did Mr. Brown say anything which
4 gave you pause with respect to whether he had any mental
5 illness?

6 A. Well, again, he made numerous statements
7 suggesting that he'd been the target of, you know,
8 specific behavior on the part of the government to
9 harass him and/or cause him harm. Then he also
10 continued to make a number of anti-government
11 statements.

12 Q. Such as?

13 A. Well, a belief that the federal government
14 is -- lacks jurisdiction, that the true government is a
15 republic, and that is the government to which he pledges
16 allegiance and not the existing federal government;
17 basically the idea that the current government has
18 subverted the real government, which was the government
19 designed by the founding fathers and the Constitution,
20 and that over the course of the last 150 years or so, a
21 number of things had occurred which had allowed the
22 government to make its citizens essentially collateral;
23 that in the thirties the government went bankrupt and
24 made its citizens collateral, and those citizens were
25 henceforth identified as strawmen or an entity which

1 didn't represent the actual or sovereign individual.
2 The sovereign individual will identify themselves
3 through the use of upper case and lower case letters in
4 writing, often using colons and hyphens within their
5 identifying of themselves, whereas the strawman is an
6 individual represented by all capital letters.

7 There's an elaborate process through which
8 these individuals can regain or reclaim their strawman
9 through the use of the Uniform Commercial Code. He made
10 a number of those types of statements, which are not,
11 you know -- interesting, credit to Mr. Brown, they are
12 statements which are standard statements of the
13 Sovereign Citizen Movement.

14 Q. Had you ever heard of the Sovereign Citizen
15 Movement before?

16 A. Yes, I had.

17 Q. Had you interviewed or conducted competency
18 evaluations on individuals who held similar beliefs?

19 A. Yes, I had.

20 Q. Now, holding these types of beliefs, does that
21 mean that an individual suffers from some sort of mental
22 illness?

23 A. No, it doesn't, but alternatively an
24 individual could have those beliefs and still suffer
25 from a mental illness. So it doesn't rule any mental

1 illness in. It doesn't rule one out either.

2 Q. Did you rule mental illness out with respect
3 to Edward Brown?

4 A. Yes, I did.

5 Q. And how did you do that?

6 A. Well, through the course of a number of
7 interviews, his history, the fact that prior to this
8 evaluation, there really had never been any cause for
9 anyone to question Mr. Brown's mental health. He had no
10 history of mental health problems or mental health
11 treatment. So collateral information didn't support the
12 diagnosis of a mental illness.

13 His presentation throughout the approximately
14 four weeks that he was at Devens wasn't suggestive of a
15 mental illness, and then we also administered a
16 psychological instrument which was supportive of the
17 conclusion that he does not have a mental illness.

18 Q. What was that instrument that you provided?

19 A. It's called a Personality Assessment
20 Inventory.

21 Q. Is that known as a PAI?

22 A. Yes, it is.

23 Q. Why did you administer that test to Mr. Brown?

24 A. It's just one further piece of information
25 that you can utilize in arriving at a diagnostic

1 conclusion.

2 Q. What is the test like? Is it an interview
3 test? Is it a question-answer test?

4 A. It's a written test that the individual takes
5 on their own. They read the items. They respond to
6 each item. There's approximately 344 items. They read
7 each item and then respond with regard to how accurately
8 the item describes them.

9 Q. Did Mr. Brown take the PAI?

10 A. Yes, he did.

11 Q. Were you surprised that he took and finished
12 the PAI?

13 A. Yes, I was.

14 Q. Why?

15 A. As I said, I evaluated a number of individuals
16 with similar beliefs, and typically if they participate
17 at all, they are resistant to completing any type of
18 testing, and if they do complete it, they are often --
19 some defendants that are taking it say that the results
20 are invalid.

21 Q. How did Mr. Brown score out with respect to
22 the test?

23 A. He was attentive to the test and responded in
24 a manner which it appeared that he was responding
25 honestly. The results were not suggestive of any type

1 of mental health problems.

2 Q. What were the results suggestive of?

3 A. Normal psychological functioning.

4 Q. During the course of your interviews of Mr.
5 Brown, did you find that he suffered from any particular
6 character traits?

7 A. Yes, we did.

8 Q. And what were your findings?

9 A. We concluded that he met criteria for
10 narcissistic personality disorder.

11 Q. What is that?

12 A. It's a disorder -- a personality disorder
13 characterized by grandiosity, need for attention, and
14 lack of empathy.

15 THE COURT: Excuse me. What is a character
16 trait defined as?

17 THE WITNESS: A character trait would be a
18 longstanding personality -- longstanding aspect of an
19 individual's personality, something that had been
20 present since adolescence or young adulthood that
21 affects the way that they perceive the world and the way
22 they interact with others.

23 THE COURT: Thank you.

24 Q. And can you give some examples to the Court of
25 why you determined that Mr. Brown suffered from a

1 narcissistic personality disorder?

2 A. Well, during many of the interviews, he came
3 across as very boastful, grandiose, indicating
4 achievements which were very significant from his
5 perspective. He also was very patronizing during many
6 of the interviews, sometimes came across as arrogant,
7 believes that he is superior in many ways to other
8 individuals, characteristics of that nature.

9 Q. Did he ever give you any examples of his
10 superiority or his belief that he was superior to
11 others?

12 A. Well, certainly as I indicated, he was
13 patronizing on many occasions towards me as well as the
14 intern and the practicum student that I work with
15 indicating things like I should be ashamed of myself or
16 the role that I play in the federal government and in
17 the Bureau of Prisons in particular. Then there were
18 also his own perception of personal experiences he had
19 and his what I would deem somewhat inflated role in
20 those experiences.

21 Q. Can you give some examples of those?

22 A. Well, for example, when he -- in his work
23 history he talked about being fired from jobs because he
24 was so skilled in the job that he was a threat to others
25 that worked there. In particular, he talked about a

1 period of time where he worked as an exterminator and
2 believed that he had discovered the means by which he
3 could eradicate roaches worldwide.

4 He also talked about a level of involvement in
5 things at least to the best of my knowledge that he
6 didn't have any involvement in. For example, he talked
7 about the singer Karen Carpenter when she was dying of
8 anorexia, contacting either her family or her agent --
9 I'm not sure who in particular -- and providing them
10 advice on what she needed to do to survive.

11 He also talked about during the incident in
12 Waco, Texas, providing his advice to law enforcement and
13 being a part of that process.

14 So basically there were several things where
15 he indicated he either had a grandiose or inflated sense
16 of his importance or abilities and/or his level of
17 involvement.

18 Q. Someone who has a narcissistic personality
19 disorder, that's not a mental illness; is that correct?

20 A. No. There's a distinction between what's
21 considered a mental illness and a personality disorder.
22 A personality disorder will have certainly an effect on
23 an individual's functioning but not nearly to the degree
24 that a mental illness would.

25 Q. Now, if someone suffers from a narcissistic

1 personality disorder, does that mean that they are
2 incompetent to proceed in a court proceeding?

3 A. No.

4 Q. And did you find anything with respect to Mr.
5 Brown's narcissistic personality disorder which led you
6 to believe that he would have been incompetent during
7 the course of the proceedings?

8 A. Well, I wouldn't say that it was because of
9 the narcissistic personality disorder. One issue --
10 primary issue with regard to Mr. Brown and whether or
11 not he was competent is his failure to work with an
12 attorney, which was a concern. Certainly something I
13 paid a lot of attention to.

14 Q. What was the test you gave with respect to
15 competency, Dr. Channell?

16 A. Well, I administered the Competency Assessment
17 Instrument, a revised version of that. I wouldn't
18 characterize it as a test. It's more of a semi-
19 structured interview, basically a question and answer
20 type of instrument. It provides some guidance with
21 regard to the types of questions that you want to ask an
22 individual that would pertain to their competency
23 related abilities.

24 Q. So you conducted three interviews of him.
25 There was the PAI, and there was also the Competency

1 Assessment Instrument. Is that correct?

2 A. Correct.

3 Q. And the Competency Assessment Instrument is an
4 interview with Mr. Brown?

5 A. Yes.

6 Q. And what type of questions are contained on
7 the Competency Assessment Instrument?

8 A. Well, primarily it addresses the individual's
9 understanding of factual information; for example, their
10 charges and the possible penalties, the role of
11 different individuals in the legal process. It assesses
12 the individual's rational understanding of their
13 situation and their ability to work with counsel.

14 Q. Dr. Channell, I'm showing you what is marked
15 as Government's Exhibit 1A. I'd ask if you'd look at
16 that document, and do you recognize the document?

17 A. Yes. That's the revised Competency Assessment
18 Instrument that I conducted of Mr. Brown.

19 Q. Is there handwriting on that document?

20 A. Yes.

21 Q. Whose handwriting is it?

22 A. It's mine.

23 Q. Were you taking notes during the course of
24 your interview of Mr. Brown during the Competency
25 Assessment Instrument?

1 A. Yes, I was.

2 Q. The instrument itself, is this a standardized
3 instrument given at the Bureau of Prisons?

4 A. Well, it's one of several instruments that we
5 can utilize when we are conducting the competency
6 evaluation.

7 MS. OLLILA: Your Honor, I'd ask that the ID
8 be stricken on Government's Exhibit 1A and it be entered
9 into full evidence.

10 THE COURT: Any objection?

11 MR. IACOPINO: No objection.

12 THE COURT: It's admitted without objection.

13 (Government's Exhibit 1A admitted.)

14 Q. Can you please advise the Court the types of
15 questions you asked and Mr. Brown's answers, and in
16 doing so, was there anything that led you to believe
17 that Mr. Brown did not understand the court proceedings
18 and what happened to him?

19 A. No, there was not.

20 Q. So what were the questions you asked him?

21 A. Well, I asked him a number of questions. Do
22 you want me to go through each of them?

23 Q. Sure.

24 A. All right. I asked him what he was charged
25 with. Do you want me to provide his responses as well?

1 Q. Yes.

2 A. He indicated he was charged with income tax
3 evasion, failure to file, his new case, crimes against
4 the United States, interfering with the duties of a
5 federal officer, explosives charges, gun charges. He
6 indicated a belief that these charges were, as he called
7 them, insanity and that he was not allowed to provide
8 his side of the case.

9 I asked him if the charges were a felony or a
10 misdemeanor, and he indicated that the charges were a
11 felony, felonies. And I asked him if he was found
12 guilty, what the possible sentences that he could
13 receive were, and he indicated that he could receive a
14 minimum of 36 years for one charge out of 17 charges.
15 And if convicted, I asked him where he would serve his
16 sentence, and he indicated prison. I asked him if he
17 was found not guilty, what would happen? He indicated
18 he would go home and become a steward of the land again.
19 I asked him what the various pleas that a person can
20 enter in court are, and he indicated that those were
21 nolo contendere, not guilty, and not guilty by reason of
22 insanity.

23 With regard to the plea of not guilty, I asked
24 him what that meant. He indicated, that means you
25 didn't do anything. You are innocent. He stated that

1 he didn't believe it means innocent, but it means
2 something else.

3 I asked him what the plea of guilty meant, and
4 he indicated that under the new law I would imagine it
5 means you did something wrong. Not guilty by reason of
6 insanity, he indicated that it meant that an individual
7 wasn't able to actualize a reason or know the difference
8 between right and wrong.

9 I asked him how he felt he could be defended
10 against the charges, and he indicated that if the Court
11 would allow him to have his witnesses and evidence,
12 which had been disallowed -- he stated that the
13 prosecution was allowed numerous witnesses and he was
14 allowed none.

15 Q. What about the participants in the proceeding;
16 the Court, the judge, the prosecutor, the defense
17 attorney, the jury? Did you ask him types of questions
18 which gave you the indication that he understood what
19 the roles of the various participants were?

20 A. Yes, I did.

21 Q. And what were the types of questions you asked
22 him?

23 A. I asked him what the role of the defense
24 attorney was, and he indicated they are supposed to work
25 with the defendant to preserve their rights. I asked

1 him what the role of the prosecuting attorney was, and
2 he indicated their role was to seek out the truth and
3 the facts in the courtroom, not just to stand there and
4 make accusations. I asked him what the role of the
5 judge was, and he indicated they should be there with
6 the Bible in one hand and the Constitution in the other,
7 obviously the court process, not just tell everybody
8 what to do.

9 I asked him the role of the jury, and he
10 indicated they should determine the fact of law and that
11 the judge shouldn't intervene with the role of the jury.

12 The role of the defendant, he described the
13 defendant as being isolated even if they have an
14 attorney, and he described the legal process as a
15 one-sided game; that no matter what you do, it's a
16 lose-lose situation. He basically indicated that the
17 judge and the AUSA work together on these cases.

18 Q. Dr. Channell, was that his opinion or was that
19 his understanding of how the system worked?

20 A. Well, I think it's both his opinion and his --
21 it's not his belief about how the system should work,
22 but it's his belief about how the system does work.

23 Q. In his case?

24 A. Certainly, yes.

25 Q. What about the court proceedings itself? Did

1 he give you any indication that he didn't understand
2 what court proceedings were?

3 A. No.

4 Q. What type of questions did you ask him with
5 respect to the court proceedings and what were his
6 answers?

7 A. I asked him about whether or not it was a
8 requirement that defendants testify, and he indicated
9 that there wasn't. He understood that if he did
10 testify, he would be expected to tell all the facts to
11 the best of his ability. Those were the primary issues
12 I talked about in that area.

13 Q. What about legal strategies? Did you ask him
14 questions about potential legal strategies that he or
15 his counsel would utilize?

16 A. Yes.

17 Q. And what were the questions you asked and what
18 were his answers?

19 A. Well, in general he indicated that he does
20 have information and witnesses and documentation that he
21 would provide in his defense but that the Court had not
22 allowed him to do so.

23 Q. Was there anything during the course of your
24 interview of Mr. Brown during the course of the
25 Competency Assessment Instrument which led you to

1 believe that he didn't fully understood the proceedings?

2 A. No. I think he's a very intelligent
3 individual that has a good understanding of what should
4 happen in a courtroom. Certainly his impression of how
5 it transpires is affected by his significant
6 anti-government beliefs.

7 Q. Do you have an opinion, Dr. Channell, as to
8 whether or not the defendant, Edward Brown, is competent
9 for these proceedings?

10 A. Yes, I do.

11 Q. And what is your opinion?

12 A. I believe that he is competent to proceed.

13 MS. OLLILA: May I have a moment, your Honor?

14 (Pause.)

15 MS. OLLILA: I have nothing further. Thank
16 you, your Honor.

17 THE COURT: Mr. Iacopino?

18 MR. IACOPINO: Thank you, your Honor.

19 CROSS-EXAMINATION

20 BY MR. IACOPINO:

21 MR. IACOPINO: Good morning, Doctor.

22 THE WITNESS: Good morning.

23 Q. If I can just go back, I'd just like to get an
24 overview first of exactly the time that you spent with
25 Mr. Brown. You mentioned an intake interview. Did that

1 occur on October 7, 2009?

2 A. No, it didn't.

3 Q. What day did the intake interview occur on?

4 A. The 1st of October.

5 Q. And was that conducted in the same fashion as
6 your other interviews that you had with a student and an
7 intern there with you?

8 A. I believe they were both there then, yes.

9 Q. If I understand correctly, that interview
10 primarily just dealt with history and background and did
11 not get too much into assessment of competency. Is that
12 correct?

13 A. Yes, it's fairly laid out. Basically it's
14 just to determine whether the individual is safe at that
15 point in time, whether or not there is any records we
16 need to get and where we should house them in the
17 facility. It's not a particularly in-depth interview.

18 Q. And you had three separate interviews with Mr.
19 Brown three days in a row; correct?

20 A. Yes.

21 Q. That was October 7th, October 8th, and
22 October 9th?

23 A. Correct.

24 Q. And then this competency assessment interview
25 occurred on October 14th. Is that correct?

1 A. Yes.

2 Q. And when was the PAI that the prosecutor
3 mentioned? When was that conducted?

4 A. That was on the 20th of October.

5 Q. In your report you indicate that during the
6 course of your evaluation of Mr. Brown, you reviewed
7 various documents. Did you review the pro se pleadings
8 that he filed in this court?

9 A. Yes.

10 Q. Did you review all of them?

11 A. I don't know that I reviewed all of them.

12 Q. How did you go about getting those pleadings
13 and determining which ones to review?

14 A. Well, we requested records from both the
15 government and yourself, and we also have access to
16 Pacer where we are able to pull up the docket and the
17 related documents from the docket.

18 Q. So you would have had access to the entire
19 court docket as far as, say, pleadings go; is that
20 correct?

21 A. Yes.

22 Q. You indicate that upon your first meeting with
23 Mr. Brown, there was some things that caught your
24 attention. I take it those are things that you felt you
25 should look into further, especially with respect to his

1 beliefs; is that correct?

2 A. Yes.

3 Q. And that's because a firmly held belief that
4 would be incorrect to the rest of the world is something
5 that can be an indicator of a mental illness; isn't that
6 correct?

7 A. Yes.

8 Q. And sometimes referred to as a delusion; isn't
9 that correct?

10 A. Yes.

11 Q. And delusions can be bizarre or non-bizarre;
12 correct?

13 A. Yes.

14 Q. And a non-bizarre delusion is one which, as I
15 understand it, please correct me if I'm wrong, is one
16 that -- it could be true. I mean, it could be true, but
17 if it's a delusion it is not; correct?

18 A. That is correct, yes.

19 Q. And there is a diagnosis recognized in your
20 field of delusional disorder. Is there not?

21 A. Yes, there is.

22 Q. And that is recognized as a mental illness;
23 isn't that correct?

24 A. Yes, it is.

25 Q. And please give us the definition of that.

1 A. A delusional disorder is a condition where an
2 individual does experience non-bizarre delusions as
3 you've just described, and that certainly within the
4 realm of those delusional beliefs it will affect their
5 level of functioning, but in all other areas their
6 functioning tends to remain relatively high or normal,
7 to use the common expression.

8 Q. And it's fair to say that it's recognized that
9 people who suffer from delusional disorder oftentimes
10 escape mental health treatment over the course of their
11 lives; isn't that correct?

12 A. That can happen, yes.

13 Q. And it's primarily because a delusional
14 disorder tends to affect just that particular area of
15 their life; isn't that correct?

16 A. Yes.

17 Q. And if somebody suffered from delusions or a
18 delusional disorder that went to sort of the origins of
19 law and where law comes from, that might affect them in
20 the legal setting; isn't that correct?

21 A. Yes.

22 Q. Now, I just want to go through a list of
23 things, as I understand the exhibits that I've been
24 provided correctly, you observed in your evaluation of
25 Mr. Brown. If I understand correctly, on October 7,

1 2009, and maybe one or two times after that, Mr. Brown
2 expressed to you that he had been abused at the Wyatt
3 Detention Facility; is that correct?

4 A. That is correct.

5 Q. Are you familiar with the Wyatt Detention
6 Facility?

7 A. Yes, I am.

8 Q. Do you often see -- because you are in New
9 England, do you often see patients that have come
10 through that facility at one point or another?

11 A. Yes, I do.

12 Q. He complained to you that at the Wyatt
13 facility he was gassed for three days; correct?

14 A. Yes, he did.

15 Q. Are you aware of any treatment or any type of
16 conduct that goes on at the Wyatt facility which would
17 be the equivalent of being gassed?

18 A. No, I'm not. Well, let me clarify that.
19 There are situations -- for example, if they are trying
20 to extract an inmate from a cell and they are being
21 hostile and uncooperative where they may utilize as a
22 correctional technique to get them out, for example, CS
23 gas or pepper spray. But beyond that I'm not aware of
24 any type of gassing.

25 Q. And in the course of your evaluation of Mr.

1 Brown, did you determine whether or not he'd ever been
2 extricated from his cell at Wyatt Detention Facility?

3 A. I had no information to indicate that that had
4 ever happened.

5 Q. Did you look?

6 A. I did, yes.

7 Q. He also complained that at the Wyatt facility
8 he was put in a room that was 50 degrees with a 10-knot
9 wind blowing. Isn't that correct?

10 A. That is correct.

11 Q. Are you aware of any cell or cellblock in the
12 Wyatt facility where that environmental condition could
13 occur?

14 A. No.

15 Q. He immediately complained to you in your first
16 interview that these people, the U.S. Attorney's Office,
17 were trying to kill him and his wife; correct?

18 A. Yes.

19 Q. In that first interview he told you that our
20 government is an experimental government; isn't that
21 correct?

22 A. Yes.

23 Q. He told you that the government has been lying
24 to us since the Civil War; correct?

25 A. Yes.

1 Q. And he told you that that's a fact of record.

2 Isn't that correct?

3 A. Yes, he did.

4 Q. He told you that he was arrested by 30 agents
5 with machine guns because he was using UCC law, didn't
6 he?

7 A. I don't recall the exact number, but yes, that
8 sounds correct.

9 Q. He told you that there was a bankruptcy of the
10 United States Government during the Civil War?

11 A. Yes.

12 Q. And that it was finished off in 1933; correct?

13 A. Yes.

14 Q. He complained about this Court and the fact
15 that that flag behind you has a gold fringe on it; did
16 he not?

17 A. Yes, he did. I don't know if he complained
18 about it, but I think he indicated that was a reason
19 that this court doesn't have jurisdiction over him.

20 Q. He complained that the judge and the COs that
21 he runs into at the various prison facilities are all
22 Freemasons. Isn't that correct?

23 A. Yes. Again, I don't know that he said all of
24 them were. He indicated a number of correctional
25 officers are Freemasons.

1 Q. In fact, he subscribes to the conspiracy
2 theory with respect to the Freemasons. Does he not?

3 A. He attributes a great deal of -- yeah, I think
4 a conspiracy theory is probably a fair representation of
5 how he perceives their role.

6 Q. And he also has a belief that there's a Zion
7 conspiracy as well. Correct?

8 A. Correct.

9 Q. He also believes -- did he mention to you his
10 belief about the Illuminati?

11 A. I've certainly heard that statement --

12 Q. I'm only concerned if you heard it from him.

13 A. I can't recall if he indicated anything about
14 the Illuminati to me. It's certainly possible, but I
15 don't recall specifically.

16 Q. He cited you House Resolution 192 for the
17 proposition that the federal government ceased to exist
18 in 1933?

19 A. Yes.

20 Q. He alleged to you that the assassination of
21 John F. Kennedy was a conspiracy?

22 A. Yes.

23 Q. That the government -- in fact, the United
24 States Attorney's Office was involved in. Correct?

25 A. He indicated for the most part that the U.S.

1 Attorney's Office was involved in a number of interests
2 throughout the last 50 or 60 years.

3 Q. He asserted to you that Waco was actually a
4 government conspiracy and that the U.S. Attorney's
5 Office was involved in that; correct?

6 A. Yes.

7 Q. He asserted to you that the U.S. Attorney's
8 Office was involved in the incident that occurred at
9 Ruby Ridge with Randy Weaver. Did he not?

10 A. Yes.

11 Q. He asserted to you that the U.S. Attorney's
12 Office was involved in the bombing of the Murrah
13 Building in Oklahoma City. Did he not?

14 A. Yes.

15 Q. He asserted to you that the U.S. Attorney's
16 Office was involved in the attack on the World Trade
17 Center on September 11th, 2001?

18 A. Yes, he did.

19 Q. You spoke about the Sovereign Citizen Movement
20 and other anti-government movements. It's fair to say
21 that the beliefs that you are aware of don't usually
22 involve the U.S. Attorney's Office. Isn't that correct?

23 A. That is correct, yes.

24 Q. It involves government conspiracy to do these
25 things at much different levels, usually on a political

1 level. Isn't that correct?

2 A. Well, certainly Mr. Brown's assertion is that
3 the U.S. Attorney's Office involvement in his
4 political -- often these theories don't necessarily
5 identify the exact branch of the government that's
6 involved. It's just the government, the federal
7 government, but you are correct. They rarely would
8 identify the U.S. Attorney's Office specifically.

9 Q. So it's fair to say that Mr. Brown's beliefs
10 are different in that regard than those amongst the
11 subculture, at least that you are aware of. Isn't that
12 correct?

13 A. Yes.

14 Q. Sir, the PAI that you testified about, that's
15 the only scored instrument or scored test that you used
16 in this particular case; correct?

17 A. Yes, it is.

18 Q. And it's designed by psychiatrists and
19 psychologists for the purpose of assisting you in making
20 a determination as to whether somebody is suffering from
21 a mental illness or a personality disorder or some other
22 disorder. Isn't that correct?

23 A. Yes.

24 Q. It's not meant to be a -- you're not supposed
25 to diagnose solely on the basis of a PAI. Isn't that

1 correct?

2 A. That's correct.

3 Q. In fact, you are supposed to do additional
4 psychological testing if issues arise; isn't that
5 correct?

6 A. No, I wouldn't necessarily agree with that. I
7 mean, I think if an issue arises, you certainly want
8 other information. There really isn't a great deal of
9 other -- I mean, the only other test you might give
10 would be, for example, an MMPI-2, but those tend to
11 be -- you're measuring the same type of thing. So it
12 would be fairly redundant to administer another test.

13 Q. To administer another test that's designed to
14 do the same thing that the PAI does; correct?

15 A. Yes.

16 Q. But there are certainly other psychological
17 testing instruments out there that would measure or help
18 you in making a diagnosis with respect to issues that
19 don't come up on the PAI; isn't that correct?

20 A. Well, certainly there are psychological
21 instruments, measures of intellectual functioning, but
22 those aren't measures of personality functioning.

23 Q. But you undertook no intellectual functioning
24 testing for Mr. Brown; correct?

25 A. No, I didn't.

1 Q. For a layperson like me, basically IQ testing?

2 A. Correct.

3 Q. You did no neuropsychological testing in order
4 to determine whether or not there was a neurological
5 issue underlying Mr. Brown's psychology. Isn't that
6 correct?

7 A. I did no neuropsychological testing; that's
8 correct.

9 Q. And he's 67 years of age; isn't that correct?

10 A. Yes.

11 Q. Did you do any testing to determine if he has
12 been beset by any level of senility?

13 A. I didn't do any testing. I certainly didn't
14 -- I spent a great deal of time with him and didn't
15 encounter any indication of that.

16 Q. Senility is oftentimes attributed to
17 neurological features; isn't that correct?

18 A. Yes.

19 Q. And on that PAI, there is a section --
20 actually let me just back up because I might have this
21 wrong. As I understand it correctly, the PAI is like a
22 multiple choice test for your patient; correct?

23 A. Well, it's more of a Likert Scale than
24 multiple choice where they would choose, you know, to
25 what degree an item is reflective of their experiences.

1 Q. But it's done in the same way like an SAT test
2 is done. You fill in little circles with a No. 2
3 pencil?

4 A. That's correct.

5 Q. And then that's scored by a computer; is that
6 correct?

7 A. That is correct.

8 Q. And then the computer itself will print out
9 sort of a report; isn't that correct?

10 A. Yes.

11 Q. And one of the things that the computer prints
12 out in its report is a critical item endorsement
13 section. Isn't that correct?

14 A. Yes.

15 Q. And in Mr. Brown's case, there was a critical
16 item endorsement printout?

17 A. Yes.

18 Q. So in other words, the computer was saying you
19 need to look at these things; correct?

20 A. Yes.

21 Q. Because they are critical; right?

22 A. Well, I don't know that I would describe
23 that -- necessarily describe it in that way, but these
24 were specific items which he answered in a way that were
25 atypical.

1 Q. And one of those was the statement that he
2 endorsed that, "Sometimes it seems that my thoughts are
3 broadcast so that others can hear them."

4 A. Yes.

5 Q. And another critical item endorsement was
6 that, "I am the target of a conspiracy."

7 A. Yes.

8 Q. And those are both critical item endorsements
9 that go to delusions and hallucinations; isn't that
10 correct?

11 A. Well, they could. I certainly would not
12 ascribe that they do go toward them. As I indicated
13 previously, there were no elevations. He didn't come
14 close to elevating on anything indicative of mental
15 illness on the PAI. Those -- responding to those items
16 in isolation like that, no, they are not indicative of
17 mental illness.

18 Q. Is it fair to say that thought broadcasting is
19 a core element of several mental illnesses?

20 A. Yes.

21 Q. Schizophrenia?

22 A. Yes, but I don't think there is any question
23 that Mr. Brown has schizophrenia.

24 Q. But it's a core element of that type of
25 disorder. Those are serious mental illnesses; correct?

1 A. Yes.

2 Q. In fact, the way that the PAI reports this
3 critical item endorsement for these very two
4 endorsements that came out in his testing is under
5 delusions and hallucinations. Isn't that correct?

6 A. Yes.

7 Q. Yet you took no further psychological testing?

8 A. Again, I'm not sure what other psychological
9 testing you would be referring to. There really
10 wouldn't be other testing that you would undertake
11 because of those responses.

12 Q. I just want to find one other thing -- or
13 address one other thing with you. You indicated that
14 you were surprised that Ed Brown actually sat for the
15 PAI. Correct?

16 A. Yes.

17 Q. And that's because -- if I understand
18 correctly what you said on direct testimony is that it's
19 because other people that you have dealt with in this
20 so-called Sovereign Citizen Group, they have generally
21 either refused to take the testing or undertaken some
22 manner to try to not answer -- not give their best
23 effort on the test. Isn't that correct?

24 A. Yes.

25 Q. He's different than the other individuals that

1 you have been exposed to with regard to this Sovereign
2 Citizen Group, isn't he?

3 A. Well, every defendant that I evaluate is
4 different from one another. They are all individuals
5 and they all have their own personality characteristics
6 which would make them different from one another.

7 Q. But it's fair to say that Ed Brown has his own
8 beliefs within the scope of these beliefs that are
9 different than those other people. Isn't that correct?

10 A. He certainly has individualized beliefs that
11 are his own which may -- which may not be the same as
12 other individuals that he had in that subset.

13 Q. In your evaluation of him, it's fair to say he
14 firmly believes in those; correct?

15 A. Oh, absolutely, yes.

16 Q. And they primarily deal with issues of law and
17 issues that would occur in the courtroom. Isn't that
18 correct?

19 A. Yes.

20 Q. He also told you that he did not have an
21 attorney; correct?

22 A. Well, he acknowledged having so-called standby
23 counsel.

24 Q. And who did he say that counsel represented?

25 A. The strawman.

1 Q. He complained to you that he couldn't put on
2 his evidence. Are you aware of that complaint?

3 A. Yes.

4 Q. Did you do any kind of background checking to
5 see if in fact he had been able to put on his evidence?

6 A. Well, we reviewed the transcripts from the
7 prior hearings.

8 Q. So you are aware that he actually testified in
9 his own defense at his trial?

10 A. Yes.

11 MR. IACOPINO: I have no further questions.

12 THE COURT: Thank you.

13 MS. OLLILA: A few follow-up, your Honor.

14 THE COURT: Go right ahead.

15 REDIRECT EXAMINATION

16 BY MS. OLLILA:

17 Q. Dr. Channell, Defendant Edward Brown is not
18 schizophrenic; correct?

19 A. Yeah, I can say definitively that he is not
20 schizophrenic.

21 Q. With respect to all of the assertions made
22 during Defendant Brown's interview with you; for
23 example, the ones laid out by Attorney Iacopino, that he
24 was gassed at the Wyatt Correctional Facility, that he
25 was placed in a cell that was 50 degrees with a 10-knot

1 wind blowing, that the United States Attorney's Office
2 is trying to kill him, that he was arrested by 30 agents
3 with guns drawn, that the government is bankrupt, that
4 the notion of Freemasons exists, that the judge and the
5 correctional officers are members of Freemasons; he
6 mentioned the Zionist government, the Illuminati. Does
7 that mean that he is delusional?

8 A. No.

9 Q. Did you find in any way that Defendant Edward
10 Brown suffered from a delusional personality disorder?

11 A. All of the statements that you just indicated
12 can be explained by his anti-government beliefs and/or
13 his narcissistic personality disorder and they are not
14 attributable to a major mental illness.

15 MR. OLLILA: Nothing further.

16 THE COURT: Counsel, we've received the
17 report. Counsel has it dated 12/1/09.

18 MS. OLLILA: That's correct.

19 THE COURT: It's my understanding that this
20 report is evidence in this hearing.

21 MS. OLLILA: That's correct, your Honor, and
22 it's under seal.

23 THE COURT: Mr. Iacopino, do you disagree?

24 MR. IACOPINO: No, I don't disagree, your
25 Honor.

1 MS. OLLILA: I believe it's under seal, your
2 Honor.

3 THE COURT: I will consider it part of the
4 record.

5 Doctor, I have a question. Counsel, feel free
6 to object. I'm reading from the report just so you can
7 explain to me what you mean to be saying here. You
8 indicate in the report as follows: A, quote, delusion
9 according to DSM-IV-TR is, quote, a false belief based
10 on incorrect inference about external reality that is
11 firmly sustained despite what almost everyone else
12 believes and despite what constitutes incontrovertible
13 and obvious proof of evidence to the contrary, end
14 quote.

15 The beliefs endorsed by Mr. Brown during the
16 current evaluation in court and pleadings and notices
17 and to his attorney are certainly unusual, convoluted,
18 and unrealistic. Further, he continues to hold these
19 beliefs despite overwhelming information to the
20 contrary. However, the beliefs held by Mr. Brown are
21 also those held by a widespread subculture in the United
22 States commonly referred to as the Sovereign Citizen or
23 Patriot movements. By definition delusions exclude
24 those beliefs which are shared by other members of an
25 individual's culture or subculture. Because the

1 unconventional beliefs held by Mr. Brown are also those
2 of a defined subculture, they are considered neither
3 delusional nor indicative of a major mental illness.

4 Would you explain what that means?

5 THE WITNESS: Yes, your Honor. Basically what
6 that means is that while an individual may subscribe to
7 beliefs or hold beliefs which are unrealistic and/or
8 possibly untrue which they continue to hold despite
9 evidence to the contrary, those types of beliefs aren't
10 indicative of a delusion if they are also beliefs which
11 are held by a subgroup or subculture to which they are a
12 part. So, for example, as a way of analogy, while
13 individuals who are part of a number of organized
14 religions may hold beliefs which on the face of them
15 appear unrealistic or untrue despite evidence to the
16 contrary, because those are beliefs held by that group,
17 that subgroup, those would not be considered a
18 delusional belief.

19 THE COURT: Thank you. Counsel have any
20 additional questions?

21 MS. OLLILA: No further questions. Thank you,
22 your Honor.

23 THE COURT: Mr. Iacopino?

24 MR. IACOPINO: Nothing further, your Honor.

25 THE COURT: Call your next witness.

1 MS. OLLILA: The United States has no further
2 witnesses, your Honor.

3 THE COURT: Mr. Iacopino, do you have a
4 witness?

5 MR. IACOPINO: No witnesses, your Honor.

6 THE COURT: Government, do you want to make a
7 statement?

8 MS. OLLILA: Based on the testimony of Dr.
9 Shawn Channell, your Honor, I think there is -- no
10 conclusion could be drawn that Mr. Brown suffers from
11 any mental illness and that all of the factors indicate
12 that he is competent to proceed, that he was competent
13 to proceed during the course of the trial; that he
14 understands the roles of the parties, his attorney, your
15 Honor, the prosecutors.

16 Although his beliefs with respect to the U.S.
17 Government are unusual, he's not delusional in any way.
18 He's therefore competent to proceed for sentencing.

19 THE COURT: Mr. Iacopino, before we conclude
20 the competency hearing, is there a statement your client
21 wishes to make with regard to competency? I'm going to
22 hear him with regard to sentence for whatever reasonable
23 period of time he wishes to talk, but we are talking
24 about competency. Is there a statement -- he can make
25 it or not. It's up to him.

1 MR. BROWN: Of course. Thank you. I wish to
2 thank Dr. Channell for his evenhanded, which surprised
3 me, conclusion. The narcissistic part of it is probably
4 a little bit true. I think in order to do what I do and
5 even what the judge does, and of course we know the
6 attorneys all are extremely narcissistic to do their
7 business. We all have a little bit of that in us.
8 Thank you very much for that.

9 However, regarding my competency, I've
10 always -- and probably this is narcissistic a little bit
11 coming into my life. I felt that I was probably at some
12 times the most normal man in the room because all I was
13 ever trying to do is help everybody in the room and yet
14 I kept getting hit from all quarters. Let's get the
15 facts out so that we can prove my competency or prove
16 whether I'm right or wrong. But that was never allowed,
17 which I could never understand.

18 So the statement just came through. No, I did
19 not understand what happened during the trial, in the
20 first trial. I didn't understand what happened with Mr.
21 Muirhead's arraignment. I did not understand what
22 happened at the first trial. That's why we left the
23 trial. Because when I was told we could not have
24 evidence or witnesses, yeah, I was very incompetent, and
25 I didn't know at the time what I know today, and I have

1 to thank the U.S. Attorney's Office. I have to thank
2 this Court for actually keeping me two years in prison
3 which gave me the time finally to study the rest of the
4 information of the investigation that we have been
5 conducting, and this still regards the competency
6 because I was totally incompetent to be before that
7 magistrate and to be before the Court in that first
8 trial. I did not know that this Court was operating
9 under a different form of law. I thought it was under
10 common law. I thought it was a tax hearing. I walked
11 in solely unprepared.

12 I did know that I had no business using an
13 attorney, that I needed a lawyer. I'm sure the Court
14 understands what that is, and it goes on further, and
15 during the allocution I will explain it much further. I
16 think everyone will understand from this point on -- I'd
17 like to just read one paragraph here of exactly who I am
18 and where I came from from the very first of this
19 entire --

20 THE COURT: Do you want to do this, Mr. Brown,
21 as part of your allocution if we get to sentencing
22 rather than now? Right now we are only dealing with the
23 issue -- I'm to let you read it, all right? But we're
24 dealing here with competency.

25 MR. BROWN: Yes. So the Court knows this as

1 well, too. I have to report -- as a United States
2 Constitution Ranger first and foremost, I am obligated
3 to report to the government of the United States of
4 America when I find a criminal element or cell or any
5 kind of criminal organization within the governmental
6 structure, and because I have been sequestered for the
7 past two years, I was unable to do that. I was trying
8 to do that during the court case that was tried to begin
9 with. That is what it was all about. That is perhaps
10 why Mr. Iacopino feels that I am a little delusional.

11 But everything I say, ladies and gentlemen, is
12 of absolute fact, and I have the evidence, but the Court
13 for some reason in the first trial -- and of course I'm
14 disappointed in the second trial -- I was never for some
15 reason or procedure or something not allowed to present
16 this information which would conclude to fact.

17 So yes, during the allocution I will present
18 them. All of this needs to be presented because I need
19 to present to you who this cell is and exactly how they
20 operate, sir.

21 THE COURT: Thank you, Mr. Brown. I will give
22 you the opportunity certainly for allocution.

23 All right, counsel. Based on the report dated
24 December 1st, 2009, contents of which I have read and
25 accept, further based on the testimony today, which I

1 accept, further based on my observation of the defendant
2 during the course of the trial and today's hearing,
3 including his attitude, demeanor, degree, and manner of
4 interaction with his counsel, I find by a preponderance
5 of the evidence that this defendant is presently and
6 will into the reasonable future remain competent to be
7 sentenced. I find that this defendant has a sufficient
8 present ability to consult with his attorney, if he
9 wishes to, with a reasonable degree of rational
10 understanding. I further find that this defendant has a
11 rational as well as a factual understanding of the
12 proceedings against him and the consequences. And I
13 find him competent to exercise his right of allocution
14 since I believe he understands the nature of these
15 proceedings.

16 I find by a preponderance that this defendant
17 will remain competent into the reasonable future and I
18 will remain vigilant throughout the remainder of these
19 proceedings regarding that issue.

20 Counsel, we are going to take a short recess.
21 Just a second. We are going to take a short recess and
22 then we will reconvene and proceed for sentencing. Is
23 there something you wish to say before we go into
24 sentencing, Mr. Brown?

25 MR. BROWN: Yes.

1 THE COURT: Go right ahead.

2 MR. BROWN: Counsel has tried to withdraw at
3 least three times of record, perhaps four. My wife and
4 I never accepted counsel from day one. This Court is
5 aware of this with the contract we submitted to the
6 court in that regards. He asked if you would accept the
7 contract. The Court accepted that, yet the Court
8 continuously threw Mr. Iacopino at us against his wishes
9 and against our wishes. He never presented us properly
10 or the strawman properly, which was our agreement, and
11 the Court accepted that. We gave the offer. The Court
12 accepted it. It was a done deal.

13 However, during the course of the trial, Mr.
14 Iacopino was continually forced to be here when he
15 didn't want to be here and we didn't want him to be
16 here. And still today he doesn't want to be here. We
17 just heard 15 or 20 minutes of him working with the U.S.
18 Attorney's Office demonizing me and trying to prove --
19 allude that I am still incompetent even after I've been
20 proven not to be competent. He doesn't want to be here.
21 We have a hostile attorney here, sir.

22 My counsel -- a couple of my counsel members
23 are out here in the audience and should be sitting here
24 at the table with me. However, for some reason, again,
25 you deny this. Is it because we are under

1 administrative law rather than under the proper law of
2 the land? I know that we don't have any separation of
3 powers anymore in this country. That's the presidential
4 flag. It's actually a flag of the bankruptcy. And this
5 is an administrative court for that bankruptcy. I know
6 that. These folks up here don't know that. You, they,
7 and I know that.

8 So my problem is that he can't be here. He
9 can't represent or re-present me. I'm already present,
10 sir. We made that clear as a living soul as created by
11 the creator. How could this man stand before us?

12 And while we are at it, one more quick thing,
13 sir. I do believe, sir, I've already had 50 years of
14 bondage by this United States Government.

15 THE COURT: All right, counsel. We are in
16 recess. We'll reconvene shortly for sentencing.

17 (Recess taken at 9:35 a.m.)

18 (Reconvened at 9:45 a.m.)

19 THE COURT: All right. Counsel, we are here
20 on the United States of America versus Edward Brown,
21 Criminal Docket 09-30-01. We are going to proceed with
22 sentencing.

23 I have read the sentencing memorandum filed by
24 the government and by the defendant. I have reviewed
25 all the objections filed by Mr. Iacopino. Who will be

1 handling sentencing for the government?

2 MR. HUFTALEN: I will, your Honor.

3 THE COURT: Have any victims been notified in
4 this case?

5 MR. HUFTALEN: All law enforcement personnel
6 who could be classified as victims have been notified
7 and are present.

8 THE COURT: All right. Very good. Mr.
9 Iacopino, you delivered to your client a copy of the
10 Presentence Investigation Report?

11 MR. IACOPINO: I have attempted to through the
12 jail, your Honor. Whether he received it or not, I
13 cannot make a representation to the Court.

14 THE COURT: Okay. I've reviewed all of the
15 objections filed by Mr. Iacopino. Let me indicate the
16 nature of my rulings on those objections. I note that
17 the defendant disputes Paragraph 7 through 9 of the PSI
18 arguing that he never, quote, threatened to forcibly
19 resist, unquote, efforts to arrest him; that Mr. Brown's
20 statements to the media were taken out of context. I
21 object to any objections to Paragraphs 7 and 8.

22 With respect to Paragraph 9, I note that Mr.
23 Brown did not discharge an explosive device or firearm
24 against a government agent. Any statement to the
25 contrary will not be taken into account in sentencing.

1 I reject defendant's argument that the Browns
2 did not make any threatening statements and reject the
3 arguments that their statements were to the effect, if
4 they were subjected to imminent force, they would
5 forcibly defend themselves to the death and that they
6 would leave their home either as a free man, free woman,
7 or in body packs. They did make those statements.

8 The defendant disputes Paragraph 22 as not
9 relevant. I will not rely on that paragraph in making
10 my sentencing findings.

11 Defendant also disputes Paragraph 23. I will
12 not rely on that paragraph in making sentencing
13 findings.

14 With regard to Paragraph 27, defendant's
15 objection is rejected.

16 With regard to Paragraph 29, that objection is
17 rejected.

18 MR. BROWN: You're beautiful.

19 THE COURT: Let me finish, Mr. Brown.

20 Defendant objects to Paragraph 31. I will not rely on
21 that paragraph in making sentencing findings.

22 Defendant also objects to Paragraph 32 stating
23 that tannerite is legal and not an explosive device. I
24 reject that argument and that objection.

25 MR. BROWN: Who do you work for? What country

1 do you work for?

2 THE COURT: Mr. Brown, I know you would like
3 to be here and make your allocution, but if you're
4 thrown out, you will not do that.

5 Defendant disputes Paragraph 35 because it
6 does not reflect the fact that there were no live trip
7 wires on the property when the Browns were arrested.
8 There were in fact no live trip wires at that time, but
9 I otherwise accept the facts in Paragraph 35.

10 Defendant disputes Paragraph 37 stating that
11 Edward Brown did not point a firearm at anyone on the
12 night of his arrest. I reject this argument. There is
13 credible testimony at trial to the contrary.

14 MR. BROWN: That's not true.

15 THE COURT: Defendant disputes Paragraph 39
16 because it does not reflect the facts that there were no
17 live trip wires on the property when the Browns were
18 arrested. There were no live trip wires. I otherwise
19 accept the facts set forth in Paragraph 39.

20 Defendant objects to the three-level increase
21 based on Guideline Section 3C1.3 because he argues that
22 he was not on release at the time of the conduct in
23 Counts 1, 2, 5, and 7 and asserts that the Total Offense
24 Level should be 32. He also asks for a two-point
25 reduction for acceptance of responsibility. That

1 objection is denied.

2 I also find that pursuant to Guideline Section
3 5G1.3(a), the term of imprisonment must run consecutive
4 to his current term of imprisonment.

5 All right. I think I've dealt with the
6 objection. If there are any others, counsel is free to
7 bring them up.

8 Are there any witnesses for the government?

9 MR. HUFTALEN: No, your Honor.

10 THE COURT: Any witnesses, Mr. Iacopino?

11 MR. IACOPINO: No, your Honor.

12 THE COURT: Let me hear from the government
13 with regard to sentence.

14 MR. HUFTALEN: Thank you, your Honor. Today
15 brings to a close in this court what has been a
16 three-and-a-half-year chapter which has been ugly and
17 dangerous within this district.

18 MR. BROWN: Look at me. You're right.

19 THE COURT: Mr. Brown, this is it, the last
20 chance. Go ahead.

21 MR. BROWN: Doesn't matter. It's not a court.

22 MR. HUFTALEN: Obviously the Court needs to
23 take into account the factors set forth in Title 18,
24 Section 3553(a), and very briefly for the record, for
25 Mr. Brown's benefit, those factors include the nature

1 and circumstances of the offense and the history and
2 characteristics of this defendant, the need for the
3 sentence to reflect the seriousness of the offense, to
4 promote respect for the law and provide just punishment,
5 the need for the sentence to afford adequate deterrence
6 to criminal conduct, both specific with respect to this
7 defendant, and most importantly in this case, general
8 with respect to his followers and others who share his
9 beliefs. The sentence also needs to protect the public
10 from further crimes of this defendant as well as provide
11 needed educational, vocational, medical, or other care
12 for this defendant.

13 The facts of this case are well-known to the
14 Court, I understand, and I by no means intend to review
15 many of the facts in this case, but I do want to so that
16 the arguments of the government with respect to the
17 3553(a) factors can be taken in the appropriate context,
18 very briefly review some of the facts as they relate to
19 what was in the house or on the property on the day that
20 Mr. and Mrs. Brown were arrested.

21 As the Court recalls, there were over 20 pipe
22 bombs in the defendant's bedroom. Those pipe bombs were
23 approximately ten feet from the foot of his bed.

24 In addition to the pipe bombs, the house was
25 filled with improvised explosive devices, many made with

1 16-ounce cans of gunpowder, several with nails and
2 screws and shrapnel taped around the exterior of the
3 cans with fuses into the cans strategically placed
4 throughout the house so that they could be used against
5 law enforcement at a moment's notice.

6 Several of these IEDs were located in the
7 defendant's master bedroom, particularly in the corner
8 where there was also a 50-caliber rifle with a night
9 scope and two other long-range rifles. The 50-caliber
10 rifle with the night scope in the defendant's bedroom
11 gave him the opportunity to cover the rear of the house
12 from any law enforcement officers who might approach.
13 As the testimony at trial clearly established, a
14 50-caliber rifle was not only capable of firing long
15 range, but is one of the most deadly weapons that anyone
16 in this country can legally own.

17 The second floor hallway of the bedroom which
18 had a balcony view of the main entrance of the house was
19 armed with an assault rifle, seven IEDs, multiple rounds
20 of ammunition, as well as seven of these IEDs, some with
21 nails and screws taped around the outside perimeter, and
22 in addition to that, tear gas canisters that could be
23 easily thrown out the main entrance for anyone who
24 happened to walk into the house either to arrest the
25 Browns or for any other purpose.

1 Guns were throughout the house as were clearly
2 demonstrated in the two videotapes which showed what the
3 house looked like when the Browns were arrested.

4 In addition to the 50-caliber that was in the
5 bedroom covering the rear of the house, there was a
6 50-caliber on the third floor covering the front of the
7 house. The 50-caliber on the third floor the Court may
8 recall was different in appearance from the other 50-
9 calibers that were introduced in that it was silver, it
10 was larger, and my recollection is that there was
11 testimony that it weighed 47 pounds. That gun was
12 strategically placed by a large window that covered the
13 front entrance to the house. There was also in the
14 house a night scope for that rifle.

15 There were assault rifles throughout the
16 house, including in the master bath. Under the table
17 upon which an assault rifle was located in the bathroom
18 was a case of ammunition. 7.62.

19 There was an IED in the laundry room. There
20 was an IED in the jelly cupboard in the kitchen. There
21 was det cord, or detonation cord, on the kitchen
22 counter. In the den where Mr. Brown reportedly, and the
23 testimony established spent many of his waking hours,
24 there were multiple rifles in a gun case directly behind
25 his recliner. On a window seat directly next to his

1 recliner within his reach was another rifle with
2 multiple magazines all filled ready to be used at a
3 moment's notice.

4 Outside the residence was ringed with
5 improvised explosive devices hanging in the trees.
6 There was tannerite in several of the trees that was
7 packaged in a way with an orange siting label facing the
8 house so that it could be detonated with a high-powered
9 shot from the home.

10 The testimony of Mr. Tanner at trial my
11 recollection is that anyone within the immediate
12 vicinity of tannerite as it was positioned could be
13 seriously injured or killed if not from the concussive
14 blast but from the shrapnel that might emanate from that
15 blast, including the nails that were used to hang the
16 tannerite in the trees.

17 There was also a propane cylinder hanging in
18 one of the trees not with an orange siting label but
19 with a red cross made out of duct tape clearly visible
20 from the house.

21 The spring guns that were found in the house
22 obviously had been set out in the perimeter of the wood
23 line. I say "obviously" because there was wire found on
24 one tree stump that still had a cotter pin on it, and
25 there was a discharged and destroyed 12-gauge shell at

1 the base of that tree stump indicative of and consistent
2 with what a 12-gauge shell would look like after having
3 been fired through one of the spring guns.

4 Mr. Powell from the ATF lab testified at
5 length with respect to those spring guns, and there was
6 photographic evidence showing wired cotter pins as well
7 as the 12-gauge shell that was found on the ground.

8 That's the backdrop that I would like the
9 Court to keep in mind as it considers the factors that
10 apply in this sentencing for Mr. Brown.

11 The defendant sees -- and I say "sees" in the
12 present sense, but has seen himself for the last several
13 years and sees himself today as righteous and just. He
14 sees himself as a Patriot. In fact -- and I will jump
15 forward just for a moment. On the evening of his
16 arrest, in celebration of recovering property from the
17 dental clinic that had been brought back to his house by
18 the undercover deputy U.S. Marshals, Mr. Brown
19 celebrated by going into the basement and bringing out a
20 case of what he referred to as the Patriots beer, Samuel
21 Adams.

22 He's seen him and he sees himself as a
23 Patriot, but he isn't a Patriot. He's an individual as
24 Dr. Channell has testified this morning who sees himself
25 as superior, someone with visions of grandiosity. He's

1 narcissistic, which is consistent with what he has done
2 throughout this case. He requires others to obey his
3 rules while he flaunts the rules of others. At times
4 he's invoked the names of deities to support his cause
5 with no tolerance for the views of others who may
6 disagree with him.

7 He's not a Patriot. He's not a person
8 interested in positive change. Some people have
9 compared him to wonderful men in our history, such as
10 Martin Luther King and Gandhi. Nothing could be further
11 from the truth. Mr. Brown, at least with respect to the
12 actions in this case, has never been motivated by the
13 pursuit of anything positive. He didn't help a single
14 person in the years that have led up to today's
15 sentencing. He encouraged others to commit criminal
16 acts. He influenced others' belief systems to align
17 them with his own. He destroyed lives. The impact that
18 he has had on others is immeasurable.

19 Directly within the geography of his
20 residence, he's negatively impacted the lives of all of
21 his neighbors who for a significant period of time lived
22 in fear as he held his compound and invited those who
23 shared his belief structure to his compound. He
24 publicly voiced his opposition to law enforcement and
25 publicly stated that he would use violence if anyone

1 attempted to arrest him. Everyone in that neighborhood
2 knew what was going on there and there was nothing they
3 could do about it. They lived with that for more than a
4 year.

5 He terrified the town officials in the small
6 town where he lived. One of his co-defendants, one of
7 his associates, Jason Gerhard, you may recall, had
8 videotaped the homes of the town selectmen, of the
9 police chief, and created a video and identified with
10 graphics on that video the names and addresses of all of
11 those individuals. There were public statements made by
12 Mr. Brown and his supporters denigrating the public
13 officials who served that small community that aligned
14 them with the law enforcement that he so despised.

15 Mr. Brown and his supporters regularly
16 threatened local law enforcement in the name of the
17 chief of police, the county sheriff, state law
18 enforcement officers, threatening to kill any who stood
19 in his way.

20 Mr. Brown threatened the United States
21 Marshal. Mr. Brown threatened the Assistant U.S.
22 Attorney who prosecuted him on tax charges across the
23 hall in this building. He threatened the then United
24 States Attorney who allowed that prosecution to go
25 forward, and he threatened the judge who sat on that

1 case.

2 But it wasn't only people in law enforcement
3 and the judicial system who suffered from Mr. --

4 MR. BROWN: This man's a liar, sir.

5 THE COURT: Just be quiet. You'll get a
6 chance if you want -- stop it.

7 MR. BROWN: Let's see, let's see.

8 THE COURT: Stop it. Go ahead.

9 MR. HUFTALEN: It wasn't only people in law
10 enforcement in the judicial community who suffered from
11 Mr. Brown's rant. It was his own supporters.

12 Daniel Riley will spend more than the next
13 30 years in a federal prison because he chose to believe
14 in Mr. Brown and adopted Mr. Brown's belief structures.
15 Daniel Riley came to the Browns and did everything he
16 could to support Mr. Brown.

17 Cirino Gonzalez who's serving an eight-year
18 sentence came from Texas at the request of this
19 defendant.

20 Mr. Wolffe brought his wife from Vermont to
21 New Hampshire, and Mr. Wolffe has served two and a half
22 years in federal prison.

23 Most disturbing with respect to his followers
24 who have been sentenced to prison is Jason Gerhard who
25 at the tender of age of 21 years old was influenced

1 beyond a point that Mr. Gerhard could be brought back by
2 this defendant. Mr. Gerhard, you will recall, was
3 contemptuous to this Court to the end. Standing up at
4 his sentencing mocking the system before he began his
5 allocution said to this Court: Before I begin, I'd like
6 to apologize to the victims of my crime, and he turned
7 to the galley and then laughed and waved his arm in the
8 air and said words to the effect of, "Hah, there are no
9 victims."

10 Jason Gerhard was influenced by this man,
11 Edward Brown, and by Mr. Brown's wife. Jason Gerhard
12 was treated as a son and was brought into their home.
13 He was educated in the ways of Edward Brown. And you
14 will recall from the sentencing hearing of Mr. Gerhard
15 that he brought the philosophy of Ed Brown to his
16 neighborhood in Long Island, New York. And when a
17 search was conducted of his home, in addition to weapons
18 that were found, conventional weapons, there was a pipe
19 bomb identical in design and style to the pipe bombs
20 that Mr. Brown manufactured and kept in his home. That
21 resulted in the closure of the LIE, the Long Island
22 Expressway, and the destruction of everyone within miles
23 of Mr. Gerhard's mother's home in Long Island.

24 This defendant has had more of a negative
25 impact on individuals both within the system and without

1 the system than any other defendant who has passed
2 through this courtroom.

3 The United States Marshal Service tasked with
4 arresting Mr. Brown and his wife, peacefully, politely,
5 and patiently, accorded the defendant and all his
6 supporters the due process of law that our founding
7 fathers established to ensure that we, the people, would
8 live freely, free to live and prosper, free to associate
9 with those of our choosing, and free to live without
10 tyranny.

11 For nine months the United States Marshal
12 Service waited patiently, and for those nine months this
13 defendant tormented violence. He created at times a
14 carnival-like atmosphere at his home. He invited
15 families and young children into his property, a
16 property that he had filled with explosives and enough
17 armament to stage his own war. He invited supporters
18 from around the country and from around the world to
19 join him in his cause, and he made public statements
20 during that time through radio shows, television
21 interviews, and other public statements along the lines
22 that he and his wife would come out as free men and
23 women or in body bags. There was no doubt that it was
24 his intention to precipitate a violent conflagration
25 with law enforcement. Law enforcement who was there to

1 effectuate the lawful orders of this court.

2 The United States Marshal Service tasked with
3 arresting the defendant sent letters to the defendant,
4 letters that were introduced in the trial, explaining
5 that there were warrants out for their arrests and
6 requesting that they see reason and that they turn
7 themselves in.

8 There was testimony at trial that the United
9 States Marshal Service engaged in telephonic
10 communication with Mr. Brown on a regular basis early on
11 and sporadically thereafter requesting that he lay down
12 arms and surrender.

13 The U.S. Marshal Service conducted
14 intermittent surveillance of the property and gathered
15 intelligence. They made observations, and throughout
16 the time period they were there, they refrained from
17 violent confrontation. They developed a plan to arrest
18 Mr. Brown, as the testimony at trial established by
19 arresting him as he came out to his mailbox.

20 There was testimony by individuals who worked
21 in the Special Operations Group of the United States
22 Marshal Service who testified that they were snipers or
23 counter-surveillance individuals who had positioned
24 themselves around the house the day before and the day
25 of the, quote, Danny Riley tasing incident. You will

1 recall that one of those deputy marshals testified that
2 he was behind a stone wall and Mr. Brown came out with a
3 .45-caliber in his hand and an assault rifle over his
4 shoulder on a sling with his dog, and he walked around
5 the top of the circular driveway and he was encouraging
6 the dog into the wood line, and the deputy explained
7 that he was there with his partner and he saw Mr. Brown
8 coming in and saw the dog coming in, and he had Mr.
9 Brown sighted and he could have fired. And Mr. Brown's
10 dog came into the wood line and stopped. Mr. Brown came
11 in and held his handgun, I believe the testimony was, at
12 a 45-degree angle from his body. The deputy testified
13 that he had his two hands locked on his handgun braced
14 on the stone wall with the sights on Mr. Brown. But he
15 didn't fire, and the reason he didn't fire was because
16 the orders he had was to watch, collect information, so
17 that Mr. Brown and his wife could be taken into custody
18 peacefully.

19 You will recall that another deputy marshal
20 testified that while wearing a Ghillie suit, he was
21 close to the property line and Mr. Brown was cutting the
22 lawn with his riding mower. The deputy testified that
23 he was close enough so that the stones being propelled
24 by the blade of the mower hit him through the Ghillie
25 suit as Mr. Brown drove by. As Mr. Brown drove by, he

1 could have stood up and hit him with the butt of his
2 rifle and knocked him off the lawn mower.

3 MR. BROWN: Why didn't he?

4 MR. HUFTALEN: He didn't do that because the
5 Marshal Service had tasked those individuals with
6 gathering information so that they could peacefully,
7 without violence, take Mr. Brown into custody. That's
8 exactly what they did.

9 There was testimony by another deputy U.S.
10 Marshal that after Mr. Riley started to run back to the
11 driveway toward the house, he blocked the road and he
12 had his rifle pointed at Mr. Riley as he was running
13 down the driveway back to the house. He testified that
14 he commanded Mr. Riley to show him his hands a number of
15 times, but he didn't. He said that as he became closer
16 to him, as Mr. Riley got closer to him, he could see
17 that he had something in one of his hands, and he didn't
18 know if it was a handgun. It turned out to be a coffee
19 cup. But as he saw him approaching, this deputy stated
20 that he transitioned from his rifle to his taser. Not
21 knowing if the individual running at him was carrying a
22 gun, he put his lethal weapon down and raised the taser.

23 MR. BROWN: Why?

24 MR. HUFTALEN: He did that through his good
25 training and he did that through the commitment of the

1 U.S. Marshal Service to take these people into custody
2 without violence.

3 MR. BROWN: Lie.

4 THE COURT: Mr. Brown, you've got to stop.
5 Mr. Brown, I'm going to let this person finish his
6 presentation. If you are going to interrupt, you are
7 going to leave the courtroom. You can talk to yourself.
8 Keep your voice down. This is it. I know you want to
9 address the Court. It's up to you whether you are going
10 to do it or not.

11 MR. BROWN: I will address the public, not the
12 Court.

13 THE COURT: All right. Go ahead.

14 MR. HUFTALEN: You will finally recall that
15 there was a deputy U.S. Marshal who testified that on
16 the day of the tasing incident, he saw Mr. Brown in
17 the tower of the house stack 50-caliber ammunition and
18 raise a 50-caliber rifle pointed at the driveway where
19 the blocking team was positioned. That deputy testified
20 that he knew the deputy marshals were there. He knew
21 that they were well within range to Mr. Brown's
22 50-caliber rifle, and he saw Mr. Brown raise the weapon.
23 And his testimony was chilling, as chilling testimony as
24 has ever occurred in this court building I submit to
25 you. That deputy testified as I stood in that corner of

1 the room that he saw Mr. Brown raise the 50-caliber to
2 his shoulder, and he had him in his sites. He testified
3 that he was 70 yards away, and after his supervisor had
4 explained the criteria for being on the
5 counter-surveillance or sniper team, he said in response
6 to, "Could you have made the shot," he said,
7 "Certainly." He said he had Mr. Brown's left temple in
8 his cross hairs, and he watched as Mr. Brown held the
9 rifle, and he said he took out the slack, and when I
10 asked him what that meant, he explained that he pulled
11 the trigger of his rifle about halfway back.

12 At that point Mr. Brown was sitting at the
13 table directly to my right and slightly in front of me,
14 and I could hear his foot tapping under the table. Mr.
15 Brown realized at that point that he came within two and
16 a half pounds of pressure of being dead. But he wasn't
17 killed, and the only reason he wasn't killed was because
18 that deputy U.S. Marshal, like every other law
19 enforcement officer in this case, was instructed and
20 well trained and determined to take these individuals
21 into custody without violence. He said that had Mr.
22 Brown established a cheek weld, that is, raise the butt
23 of the rifle to his cheek, he would have fired. At that
24 point he had no choice. He didn't fire. He was well
25 trained.

1 MR. BROWN: Me, too.

2 MR. HUFTALEN: That day I believe I said in
3 closing it was a perfect failure for the U.S. Marshal
4 Service -- or in opening, excuse me. It was a well-
5 designed, a well-implemented plan that did not result in
6 taking Mr. Brown into custody.

7 Suffering that failure, the U.S. Marshal
8 Service didn't react negatively. They went back to the
9 drawing board and for nearly four more months continued
10 their vigilance, their patience, and finally, the first
11 week of October, having had the opportunity to insert
12 undercover deputy U.S. Marshals, were able to take the
13 defendants into custody without firing a shot. Two
14 shots on a taser were all that were fired.

15 That was Mr. Brown's choice. That night, I'm
16 sure the Court recalls, Mr. Brown held at bay those
17 undercover deputies with an assault rifle. He pointed
18 it at them clearly as they unloaded the pickup truck.
19 He carried it into the house and placed it on a bench
20 just inside the door where he sat and ate pizza with
21 those deputies a few minutes later. He had in his
22 waistband a .45-caliber semi-automatic handgun, and his
23 wife had a 9mm Glock in her pants pocket, both of which
24 were fully loaded. And you will recall from the
25 testimony at trial, that Mrs. Brown held the gun on the

1 deputies when Mr. Brown wasn't there and covered them.

2 Four more months they waited patiently until
3 they could finally arrest this individual. They did,
4 and that ended the ordeal that innumerable people had
5 suffered for at least the year and, for some, four years
6 leading up. The U.S. Marshal Service and everyone else
7 involved saved Mr. Brown's life and they saved the lives
8 of many others.

9 With respect to the sentencing factors that
10 this Court should take into account, I submit that a
11 lengthy prison sentence as to Mr. Brown is obvious and
12 necessary. He can't be allowed to commit crimes against
13 others, and others need to be protected from him. The
14 Sentencing Guideline in this range -- in this case,
15 taking into account the mandatory minimum consecutive
16 30-year sentence that the Court's obligated to impose
17 results in a sentencing range of 47 and a half to
18 51.8 years, 570 to 622 months.

19 Now, the defense has argued in papers it's
20 filed with the court that any sentence in excess of
21 360 months is excessive and unnecessary. With respect
22 to the life expectancy of Mr. Brown, that may or may not
23 be a factually correct statement. With respect to
24 specific deterrence of Mr. Brown, that may or may not be
25 a factually correct statement. But with respect to the

1 general deterrent message that I believe is the
2 overriding concern that this Court should have, that
3 argument falls flat.

4 The people that Mr. Brown influenced and
5 perhaps was influenced by need to know that if you
6 engage in this type of conduct, if you put yourself in a
7 position where you are inviting others to come in and be
8 killed at his hands or at the hands of his supporters,
9 that you will spend virtually, if not actually, the rest
10 of your life in prison.

11 Jason Gerhard's lawyer saved his life by
12 gaining an acquittal on a 30-year mandatory minimum
13 sentence that he would have been faced with consecutive
14 to the sentence that he received. It was only by an act
15 of good lawyering that he escaped prison for the rest of
16 his life.

17 Anyone else who follows Mr. Brown or believes
18 in his belief structure or has been influenced by him
19 and intends to act in ways similar to him needs to know
20 that they will most likely spend the rest of their lives
21 in prison, as will Mr. Brown, as will Mrs. Brown, and by
22 and large as will Danny Riley.

23 There are no mitigating factors with respect
24 to Mr. Brown that would counsel the Court to vary under
25 Booker outside the guideline range. There is nothing

1 redeeming with respect to Mr. Brown's conduct or frankly
2 with respect to the person that Mr. Brown has been in
3 the lead up to this sentencing hearing and the person
4 that he is today that would suggest to the Court that it
5 would be appropriate to go below the guideline range.

6 Some may say sentencing him to 47, 48, 50,
7 51 years is overkill. I submit that sentencing him to
8 50 years or 47 and a half years isn't overkill and is a
9 statement to others who may be his followers. The
10 public needs to be protected not only from Mr. Brown but
11 from others who share his belief structure.

12 Mr. Brown has influenced more people than most
13 criminal defendants that this Court sees. There may be
14 people who have on an acute basis for a discreet period
15 of time in a limited environment put people at equal
16 risk. There may be bank robbers, there may be drug
17 dealers who have committed crimes that have run the risk
18 of killing people and may have resulted in the deaths of
19 people, but their influence and their reach is narrow
20 and temporally closed.

21 What Mr. Brown has done is expanded his reach
22 to as many people as he could possibly get. He's
23 attempted to encourage young people to follow his belief
24 structure through the rest of their lives. It is no
25 overstatement to say that no more dangerous man has been

1 sentenced in this court, nor is it an overstatement to
2 say that no more dangerous man will be sentenced in this
3 court in all likelihood in the coming years.

4 Therefore, on behalf of the United States, I
5 respectfully request that this Court sentence the
6 defendant to a period of incarceration within the
7 guideline range, taking into account the mandatory
8 minimum consecutive sentence of 360 months, to a total
9 sentence of between 570 and 622 months. Thank you very
10 much.

11 THE COURT: Thank you. Mr. Iacopino?

12 MR. IACOPINO: Thank you, your Honor. Your
13 Honor, I want to first address -- as part of the
14 memorandum that I filed and in my objection, I had
15 addressed the issue of criminal history category under
16 the guidelines. I'm going to address that issue first,
17 your Honor.

18 As you know, the Presentence Investigation
19 Report assigns Criminal History Category No. III to Mr.
20 Brown. I have argued that under the guidelines, that
21 ought to be reduced. The Court ought to depart
22 downward -- or I guess sideways by one criminal history
23 category to Criminal History Category No. II. And I'm
24 going to address that before I get into our argument for
25 the sentence.

1 THE COURT: Go right ahead.

2 MR. IACOPINO: Thank you. Mr. Brown's
3 criminal record or lack thereof, your Honor, is before
4 you in the PSI. As you are aware from that document,
5 from the age of 17 to the age of 65, he garnered no
6 criminal convictions. He winds up under the sentencing
7 guidelines with six criminal history points because of
8 the nature -- because of his one conviction at age 65 in
9 the tax case, the original case in this court, your
10 Honor, and then he accumulates a number of criminal
11 history points because of his status at the time that he
12 committed these offenses.

13 I respectfully suggest to you that Criminal
14 History Category III normally contains individuals who
15 have many convictions. They have garnered six points
16 usually through the accumulation of crimes over a number
17 of years.

18 This is not a defendant who has that type of a
19 history before you, your Honor. All of his time, all of
20 his criminal conduct with the exception of a charge he
21 was pardoned for that occurred at age 17, occurred
22 within the period of time from the beginning of the tax
23 case until his conviction in this particular matter.

24 I respectfully suggest to you that that makes
25 him not a Criminal History Category III. When you look

1 at and compare him to others, he is -- if you look at
2 what he has, more likely he's somebody who has a prior
3 felony conviction that normally would get him into
4 Criminal History Category No. II, and I respectfully
5 submit to you that the Court ought to depart in
6 calculating the guidelines to Criminal History Category
7 No. II, which on the Court's present assessment of the
8 guidelines would make the guideline sentence 188 to
9 235 months.

10 But of course, if I may go on, I'd also intend
11 to ask you to impose a sentence that does not impose a
12 United States guideline sentence, your Honor. And the
13 reason why -- the primary reason why I ask you to do
14 that, your Honor, is pursuant to 18 USC, Section
15 3553(a)(2)(A), part of your job is to promote respect
16 for the law, to issue a just punishment.

17 Imposing a sentence that the government asks
18 for, essentially 50 years on a 67-year-old man, is in
19 essence imposing an impossibility on him. It says to
20 the rest of society that we don't care. We're simply
21 going to go by this chart here. We're not going to
22 consider what is realistic, number one. He will not
23 survive the sentence suggested by the government. He
24 will die in jail. It will be a life sentence if that's
25 in fact the sentence that the Court chooses to impose.

1 He will get the same sentence of people that
2 murder people get in this court and in other courts,
3 state courts and in other jurisdictions. And he didn't
4 murder anybody. His crimes were certainly serious, and
5 nobody's going to say that they are not. I'm not going
6 to stand up here today and take issue with the United
7 States Marshal Service. That's not the purpose of
8 today's proceedings. But what is very clear is that
9 when there was an occasion when -- at least one
10 documented occasion in evidence in this case when Mr.
11 Brown had the opportunity to fire a weapon and possibly
12 harm somebody, he didn't do that. In fact, he didn't do
13 it on two documented occasions. He didn't harm anybody,
14 your Honor, and the way that our laws are set up, the
15 harm that you cause to other people is one of the
16 paramount considerations in determining how severely you
17 are punished for your actions.

18 So I respectfully suggest to the Court that
19 when you take into account Mr. Brown's age, 67 years
20 old, that in order to accomplish the goals of sentencing
21 as they are set forth in the sentencing statute, a
22 sentence of 361 months is the most appropriate, and even
23 that is probably higher than necessary, but it is at the
24 bottom line because of the minimum mandatory sentence,
25 what the Court is required to impose as a sentence in

1 this particular case. That's 30 years and a month.

2 In 30 years Mr. Brown will be approximately
3 97 years old. Actually, because this sentence runs
4 consecutive to the underlying tax charge he will
5 actually be older than that. Even if he were to accrue
6 all of his good time earned credit, if he just had 30
7 years to do, he'd get out when he was approximately 92.
8 I respectfully suggest to the Court that that is a very,
9 very, very severe sentence for a 67-year-old man, and
10 that that is a sentence that is more than adequate, more
11 than necessary even though you must impose 30 years.
12 That's more than is necessary to accommodate the goals
13 of our punishment statute, your Honor.

14 If you think about what can happen in the
15 course of 30 years, I was thinking about this before
16 coming up here today. If I had a 30-year sentence when
17 I was 25 years of age, I wouldn't have had my son. I
18 wouldn't have met my wife. I obviously would not have
19 had a career. Thirty years is an extremely, extremely
20 long period of time. And in our society those extremely
21 long sentences are generally reserved for people who
22 have in fact killed somebody else.

23 I respectfully suggest to you, your Honor,
24 that in order to accomplish those goals of sentencing at
25 18 USC, Section 3553(a), the sentence of 361 months --

1 and I only add the additional month because under 18 USC
2 I believe it's 3741 requires some consecutive time based
3 on your finding because Mr. Brown was under release at
4 the time of this offense. It's the only reason why I
5 add the additional month on there, so that you can be
6 technically correct within the statutes.

7 But the sentence of 30 years, your Honor,
8 certainly reflects the serious nature of this offense.
9 It puts him right up there with people who have killed
10 people. It promotes respect for the law, and it also
11 discourages disrespect for the law because it's
12 realistic. It's proportional. You know, if we sentence
13 everybody to the maximum sentence or we sentence
14 everybody to hundreds of months, nobody will respect the
15 law at all. It affords -- it provides just punishment.
16 As I said, my client will be somewhere in excess of
17 92 years of age when he is released. It affords more
18 than adequate deterrence to the rest of society and to
19 those people who the prosecutor asks the Court to
20 address this sentence to.

21 Those people are not being sentenced here
22 today, your Honor. Your actions today will have an
23 effect -- whether or not you like this man, whether or
24 not he likes me or likes you, he is a human being and
25 your actions will affect him today, and 30 years is a

1 mighty long time. And it's a time that says to other
2 people, hey, you do this you will go to jail for
3 30 years. You might not see your son be born. You
4 might not meet your wife. You might not have the chance
5 to have a career.

6 It's an extremely long sentence and it's a
7 just deterrent under those circumstances, your Honor.
8 It also obviously -- I don't think it can be any more
9 obvious. It protects the public from any further crimes
10 of the defendant. First of all, he will be totally
11 incapacitated for 360 months based on a minimum
12 mandatory sentence, your Honor. That's totally
13 incapacitated. He won't be able to commit any crimes
14 against society. Secondly, when he's released, assuming
15 that he is released after a sentence like that, he will
16 be at such an age that quite frankly he will be
17 incapable -- if he's anywhere near normal, which I
18 expect he is, he will be incapable of committing crimes
19 of violence at the very least in the future. It is --
20 as I write in my memo, your Honor, it is an absolute
21 deterrent to Mr. Brown because it is essentially -- a
22 sentence of 361 months is essentially an incapacitating
23 sentence.

24 Your Honor, the First Circuit has recognized
25 that you have the authority to consider that lengthy

1 minimum mandatory sentence in determining what the
2 balance of your sentence should be. I'm asking that you
3 do that. I'm asking that you give him the minimum
4 sentence that the law allows you to provide because
5 given his age and given his unique set of circumstances,
6 that is a sentence that is sufficient but not greater
7 than necessary in order to accommodate the goals of 18
8 USC, Section 3553(a).

9 THE COURT: Thank you.

10 MR. BROWN: You're welcome.

11 THE COURT: With regard to your request to
12 depart from Category III to Category II, that request is
13 denied. I believe Category III is an appropriate
14 description of the criminal history in this case.

15 All right. Mr. Brown, as the defendant before
16 this Court for determination and imposition of sentence,
17 you are entitled to and have a constitutional right to
18 address the Court. You can tell me anything you'd like,
19 including anything that may impact on your sentence.
20 You are also free to say nothing at all. Is there
21 anything you would like to say? If you are going to
22 address the Court, don't talk too fast, for the
23 consideration of the court reporter here.

24 MR. BROWN: I understand, sir.

25 THE COURT: Use the microphone, if you would.

1 MR. BROWN: I hope you are all patient here,
2 sir.

3 No one to this day knows who Edward and Elaine
4 Brown are in this courtroom with the exception of a few
5 personal friends that I see back here and a couple of my
6 counsel that are here that I was never allowed.

7 I'm going to explain to you or read to you,
8 which the U.S. Attorney's Office -- I'm just going to
9 read one little paragraph of who we are and what our
10 mission was.

11 THE COURT: Mr. Brown, I'm having a little
12 trouble hearing you, so if you could just move the mike
13 in your direction.

14 MR. BROWN: I can't obey anything that you ask
15 me to do, sir.

16 THE COURT: There you go. Thank you.

17 MR. BROWN: Sir, I'm going to read to you just
18 one little page here. They had three years their time.
19 This is my first opportunity to actually say anything to
20 the Court in our behalf.

21 I don't understand why you disallowed me my
22 evidence. I don't understand why you are afraid of the
23 truth, and I'm usually not rude to anybody unless
24 someone's attacking me, and you folks have done a
25 wonderful job over the past three years of attacking me

1 from day one.

2 So here's who I am personally. Commander in
3 chief of the United States Constitution Rangers that I
4 had done up for other rangers in 2001 when they asked
5 me. We have nothing to do with the militia except we
6 acknowledge their existence and their right.

7 Rangers, with the best intentions of heart,
8 mind, and spirit, and honor, we present to you, the
9 United States Constitution Rangers. This is for new
10 applications coming in. The United States Constitution
11 Rangers is a chartered organization of police
12 officers --

13 THE COURT: Slow down, just slow down.

14 MR. BROWN: -- is a chartered organization of
15 police officers defending the Constitution and the
16 people of the United States Republic with a history back
17 to the country's formation. A new charter was accepted
18 by Congress in 1980 establishing the U.S. Rangers
19 Charter, registration No. Txu42-453, with Charter No.
20 37817.

21 Growing numbers of Americans have lost their
22 confidence and faith in the administrators within our
23 government. Having decided to prepare to protect the
24 United States of America from any conflict between any
25 and all enemies, both foreign and domestic, this

1 organization therefore among other efforts shall
2 investigate citizen complaints regarding constitutional
3 violations of public officials and administrative
4 agencies and make recommendations and reports to
5 Congress, district attorneys, and other interested
6 parties along with taking any and all lawful actions
7 available to it.

8 USC Rangers, as should all good American and
9 God-loving people everywhere, stand on center of all
10 things and keep a check and balance on any extremists.
11 We have no known enemies and will take no sides save one
12 exception. We will protect and defend the Constitution
13 Republics for the United States, lower case U, of
14 America against all her enemies and the people thereof
15 under God. We will abide by the original organic
16 constitution and Bill of Rights, contracts of the
17 several states, and for the United States of America.
18 Make note again of the "for." All of these are
19 republics, each state, under one God.

20 We will ignore as law dictates any laws or
21 orders that violate these constitutions and their
22 corresponding Bill of Rights including any revised laws,
23 statutes, treaties, regulations, etc., that violate the
24 supreme laws of the land. We will in good faith and
25 abruptly notify anyone that violates the lawful supreme

1 laws of the states and nation and give the opportunity
2 to correct the errors in a timely manner. If they do
3 not, they will be charged accordingly in law and under
4 the lawful law of the land.

5 All rangers are living souls and should learn
6 and understand the difference between themselves and
7 others designated as persons. Persons has a very
8 different meaning in law in this courtroom, and that's
9 why they are all capital letters. Make note, please.

10 United States Constitution Rangers will
11 endeavor to be proficient in their understanding of the
12 Constitution for United States of America, its Bill of
13 Rights, along with the Constitution for the state of
14 which one inhabits. Rangers will indicate others where
15 it is possible to the best of their ability. All United
16 States Constitution Rangers will always appear in public
17 in a clean, neat, and appropriate manner. Rangers will
18 be polite and respectful to all parties in every
19 situation. Rangers shall keep the peace and aid -- and
20 make note of this very carefully -- and work with any
21 lawful law enforcement officers, county sheriffs, which
22 is the highest of the land, police and police officers
23 whenever possible on needing assistance. Thank you and
24 welcome aboard. Edward Lewis of the Clan Brown of the
25 United States Constitution Rangers.

1 This was not done lightly. This took a lot of
2 forethought back in 2001. I always understood what was
3 going on pretty well in the country along with thousands
4 of others of us in the country. I'm basically -- the
5 U.S. Attorney's Office -- he's painted a wonderful
6 picture of how evil a doer I am, but my record and my
7 history shows with one exception when I was at trial,
8 stupidly I turned myself in at the time as the record
9 will show and I served time and the government pardoned
10 me six years later. However, that was never brought out
11 like many things that the U.S. Attorney's Office didn't
12 bring out. And that was a sealed file, too. However,
13 that was brought out. All the sealed files that this
14 Court has are always sealed until somebody makes a
15 decision to unseal.

16 At any rate my position was to protect this
17 country from day one, ladies and gentlemen. My country
18 is you, you, you, you, you, all of you. You, too,
19 marshal, and you knew it. You all knew it. You knew
20 it.

21 THE COURT: Address the Court, Mr. Brown.

22 MR. BROWN: Sir, I'm addressing them. This is
23 all for them because they are in danger. I'm going to
24 get to that. I might make note to you again on and for
25 the record. I'm going to expose a cell to you, a

1 criminal in this government, planning to murder millions
2 of Americans and we are aware of it, along with the
3 government is aware of it for the record. What's about
4 to happen in this country and what's planned for this
5 country is a horror show.

6 You wonder why I'm angry? You wonder why I
7 took the stand that I took? I took that stand because
8 we had people coming after me. I really don't believe
9 that the U.S. Marshals fully know -- I thought they were
10 pretty good dudes, pretty good men and women, but
11 somebody is giving orders and the wrong orders to
12 destroy this nation, and I have -- since 1987, some 23
13 years of investigation into an organization, and we know
14 who that organization is now, a lot of us know it, and
15 it's out there trying to take over this country. And by
16 the way, ladies and gentlemen, they have already taken
17 it over, and by the way, we never had it to begin with
18 as it turns out. What a sad state of affairs.

19 So you hear me ranting and raving because I'm
20 angry because you, sir, will not allow me to speak the
21 truth. So no matter what I say, whether the truth comes
22 out or not, you just simply say frivolous and deny it.
23 For whatever conceivable reason that is, I have no idea.
24 But I know that the Constitution gave us three forms of
25 law to operate under: Common law, equity, and

1 admiralty. Could you tell me, sir, what form of law we
2 are operating in this courtroom today? Is it common
3 law, sir?

4 THE COURT: Finish your allocution.

5 MR. BROWN: Is it common law, sir?

6 THE COURT: I'm not going to answer your
7 question. Finish your allocution.

8 MR. BROWN: Of course you're not because you
9 know as well as I know you are operating under an equity
10 admiralty under the aristocracy. It's not even a
11 democracy. This is a republic. I pledge allegiance to
12 a republic. That's the organic form of law in this
13 nation. Benjamin Franklin said when he came out of the
14 Meeting House in Philadelphia -- a lady asked what are
15 you giving us, Mr. Franklin? He said, madam, we have
16 given you a republic if you can keep it, but it must be
17 conducted by honest men. It hasn't been conducted by
18 honest men since the Civil War.

19 This country, this world is so close to
20 destruction it's unbelievable. It is caused by this one
21 group of people. All of this stuff is frivolous to me.
22 We did not harm to anyone. We are the only victims
23 here. Oh, the U.S. Attorney comes up, how brilliant,
24 and advises that we have destroyed -- well, the U.S.
25 Attorney's Office has destroyed virtually thousands upon

1 thousands of lives in and around the world. We have
2 hard evidence of that, too. I don't have it right here,
3 but I can get it to you, sir, and I have to report this
4 to you because you are the first available federal
5 authority that's right, and that's part of what we are
6 supposed to do.

7 We're supposed to be a republic. I know you
8 operate under a democracy and something else that's
9 different. But that's all I've been allowed. This is
10 all this office has allowed me to do and you have
11 allowed me to do or Mr. Muirhead or Mr. McAuliffe in the
12 first trial has allowed me to do. I don't understand
13 that at all either.

14 Evildoers? Lordy, lordy, you brought up how
15 evil I am. Let me remind you of something. Let me
16 remind the Court of something. We haven't hurt a soul.
17 They attacked us. We didn't attack them. From the very
18 first day they sent not 30. They sent 28 agents at us
19 armed with a sniper on the hill to download information
20 from a computer. Well, hello, we just asked a question.
21 Show me the law of our taxes, from day one. They said
22 no. For ten years they said no until finally around
23 2004 they came in with armed agents.

24 So what does the law say that I'm supposed to
25 do when that happens? I have every right to defend

1 myself against that kind of an action. I would like to
2 know who the U.S. Marshal's Office is, the U.S.
3 Attorney's Office, or anybody else if they have the
4 authority to come into my office armed to force me to
5 give them information. That's bogus without proper
6 warrants. They had a warrant. It wasn't proper. We
7 had an attorney check it over and tell us it's true. It
8 wasn't proper.

9 THE COURT: Slow down.

10 MR. BROWN: I'm sorry. If this Court -- this
11 Court previously never allowed that information.

12 THE COURT: Slow down.

13 MR. BROWN: There is so much, sir -- that's
14 why I'm a little fast. I appreciate the time to be able
15 to slow down.

16 THE COURT: It's just hard on her to try to
17 keep up with you. So just don't talk so fast.

18 MR. BROWN: Because of what the U.S.
19 Attorney's Office did, the U.S. Postal Service did in
20 the inclusion of the different various agencies, we sued
21 them in state court, state tort claim, which we had
22 every right to do. U.S. Attorney's Office came in -- we
23 didn't know what was going on at the time -- came in and
24 took that case themselves with the help of Judge Jean
25 Burling. She passed it off and invited me to come back

1 down for the trial and to finish up and it's supposed to
2 be a federal trial. It wasn't a federal trial. The
3 action was on private land done by federal people who
4 had no authority to do so. They in turn turned around
5 and countered.

6 At that point there I put a sign up. I have a
7 picture of it somewhere, a sign in front of the office
8 buildings saying Zionists -- not Jews. Jews are my
9 brothers. Zionists are on everybody's side in the
10 world. Zionists, Freemasons in particular. Free will
11 in this country and the government. For ten years
12 previous to that no one was really bothering me from the
13 IRS or anybody. Once I get down there, all of a sudden
14 boom! They hit us like with an Army.

15 I'm concerned. That really brought -- I
16 didn't tell you, but my mission previous to this was to
17 investigate this criminal element through another
18 organization I had created, UnAmerican Activities
19 Investigations, again, to protect and serve the
20 constitution republics and protect the people of their
21 own. As far as I'm concerned it's always the people.
22 It's always the society. We are not violent people. We
23 can be. Absolutely. History now shows we can be if we
24 have to be. I thought America's history was based on
25 that, understanding what's law, understanding what's

1 going on, and it's benevolence to do what's right even
2 for the world.

3 Anyway, we can fast forward all of this
4 through the entire end and see very clearly that the
5 U.S. Attorney's Office orchestrated and designed this
6 through misdirection, through the news media, which
7 helped them tremendously. We find out that in the order
8 of St. John's Freemasonry is one of the organizations
9 through Nackey Loeb -- and I talked to Mrs. Loeb back
10 before she passed and had a conversation about all this
11 stuff. I offered to write for the newspaper. She
12 refused. She did tell me a little bit about St. John's
13 and their position, enough to make me more alert, to pay
14 more attention to Freemason organizations.

15 Mr. -- Union Leader, George Wilson -- I mean
16 Concord Monitor, George Wilson, and Valley News, both
17 papers have absolutely demonized us through this entire
18 process. Margot Sanger-Katz should be up for criminal
19 charges for what she's done to us no matter how many
20 times she put us in danger. We know Freemason is
21 involved here again.

22 The entire news media, my God, ladies and
23 gentlemen, the entire news media is controlled by a
24 group -- no matter how convoluted it sounds, a group out
25 of Europe known as the Illuminaries. They used to be

1 called the Illuminatis. The doctor was kind enough to
2 mention it for me. It's not history. It's not theory.
3 It's fact. I don't know why he wants to deny the fact.
4 Any more than I don't know why as judge you want to deny
5 the facts here. You don't want to learn the facts here.

6 Let me give you a couple of facts just to show
7 that it's true. General immunity pertaining to
8 prosecutors, judges, and government agents. Prosecutors
9 may knowingly file charges against innocent persons for
10 a crime that never occurred, Tenth Circuit, Federal
11 Court of Appeals, Noughten versus Mendel (ph.), 1980.
12 Prosecutor may violate civil rights in initiating
13 prosecution and presenting case. United States Supreme
14 Court in Unger versus Pacman, 424 U.S. 1976.

15 THE COURT: Slow down, Mr. Brown.

16 MR. BROWN: Here immunity extends to all
17 activities closely associated for litigation or
18 potential litigation, second federal court. And it goes
19 on and on and on. Supreme Court again, prosecutor may
20 knowingly use false testimony and suppress evidence.

21 Well, Mr. Prosecutor, thank you very much
22 because you have lied so many times in this trial and so
23 did your assistant there and then to see her --

24 THE COURT: Address the Court, Mr. Brown.

25 MR. BROWN: And to see her standing there with

1 her assistant over there and hugging each other because
2 they won a case, I guess a couple of folks who are only
3 trying to save their lives and expose the criminal
4 element in their life, that is shameful, and she should
5 have been embarrassed for that.

6 But it goes on. Prosecutor may file charges
7 without any investigation. And they did in our case.
8 We know that. Eighth Circuit court said that.
9 Prosecutor may file charges outside of his jurisdiction.

10 I don't think so. Not often. Prosecutor may
11 knowingly offer perjured testimony, Ninth Circuit
12 federal court case under Virginia versus England (ph.)
13 case. Here's a big one. The prosecutor can suppress
14 exculpatory evidence. And, boy, did this Court do me
15 bad and do exactly that, huge. Every single piece of
16 paper that I brought into this court and witnesses --
17 every single witness I brought into this court was
18 suppressed from the very first day, and you said, Mr.
19 Singal, you said to me we cannot go to the media, I will
20 put a gag order on you folks, on and on and on, and in
21 this case -- and the very next day Concord Monitor,
22 Union Leader, information from the prosecutor's office
23 here slammed us. The only information they got could
24 have come from them. Wow. And you did nothing about
25 it.

1 So I ask a question. What's going on? Is
2 this American law? Again, I repeat how did we have
3 99 percent or to a hundred percent victory in anything?
4 You don't unless it's something awful going on. That's
5 a conspiracy, folks. That flag is a presidential
6 federal court United States Code Chapter Three flag,
7 presidential flag of the executive order. So you are
8 operating under the presidential flag executive branch
9 in this courtroom. This is supposed to be a separate
10 branch of government, judicial. You're not supposed to
11 be working under executive. He's executive. He's here
12 executive, sir. You are operating executive. You are
13 not supposed to do that. You're supposed to have an
14 unfringed flag in this courtroom.

15 United States Code, Chapter 1 and 2, how do I
16 know this? Where did I learn this? I was refused by
17 another bar attorney which is British accredited,
18 registered, like I mentioned English law operates in
19 this courtroom was refused. I was refused to bring the
20 witness and I still have a list, and he said I didn't
21 present him with a list. He didn't want the list. I
22 said I need you to present this as my evidence. He said
23 I can't present that evidence that way. Well, how else
24 do you present the evidence? This is the stuff that
25 would have exonerated us from day one. I mean, come on,

1 sir. Here it is. You can lie -- from the Supreme Court
2 it says you can lie here. You can suppress all the
3 exculpatory evidence on and on and on, case after case
4 after case.

5 What are we dealing with here? I have no idea
6 what we are doing here. I can't consent to this. I
7 never did consent and I will never consent to this. I
8 thought you were my heroes. This Court was my hero.
9 That U.S. Marshal over there was my hero. She went,
10 yeah, I had a fixation of going up -- I even had --
11 yeah, we got that thin blue line to protect us from this
12 criminal element. I didn't realize that the criminal
13 element was them, not because I think most of them
14 wanted to be criminals. I think initially they don't go
15 into it wanting to be criminals. They want to be good,
16 but something happens. Like we say, something happens
17 when men cross the line and cross that beltway down in
18 Washington D.C. They just, like, change.

19 A good example of that was my neighbor, Mr.
20 Breyer, my neighbor, Supreme Court Justice Breyer. No,
21 wrong one. Sorry. Mr. Greenspan. Before he was into
22 the republic and all that sort of thing, before he
23 became Secretary of the Treasury, and then he changed.
24 And I think somebody had a conversation with him about
25 that, and he said, well, things go on, march on. March

1 on into what?

2 U.S. Marshals -- those U.S. Marshals, the five
3 that came on that day in October, are alive today
4 because I made a very fast decision. Again, more
5 suppressed evidence. And he knew and he made -- not
6 you. I'm sorry, Mr. Powell, because I want him to
7 know. I didn't need a second trial till he brought it
8 up.

9 The U.S. Marshals, Mr. Monier, knew I could
10 have killed all five of those agents easily and
11 lawfully. Number one, I contacted three of my friends,
12 which were three of my witnesses, to come in to prove
13 that I knew they were marshals at 5 o'clock in the
14 afternoon when they first came in. That was suppressed.
15 He wouldn't submit the evidence either, okay?

16 Many marshals came in unidentified. No one
17 said anything. Oh, we are just friends here. I already
18 had one of them as a house guest for a few days previous
19 to all this. So I wasn't concerned. I knew who he was
20 even then. Why? Because he followed me around outside
21 trying to get in position to take me and capture me out
22 there. I knew that. Narcissistic, simple, okay? I'm
23 aware of things that go on around me.

24 THE COURT: Mr. Brown, just slow down.

25 MR. BROWN: I'm sorry. You think you are so

1 smart. I just observe things. I'm a researcher. Here
2 I am digging up all these facts and information. I
3 really wish I didn't know it now. I didn't know America
4 was already lost. But anyway, I'm finished with that.

5 I didn't hurt them and I never pointed my gun
6 directly at any marshal. I am an NRA instructor, have
7 been for many, many years, and you never point a gun at
8 anything unless you intend to destroy it. I don't
9 intend to destroy any of this stuff. A few times I went
10 hunting. I don't even do that anymore because I love
11 animals so much, and targets. And the only reason I
12 have guns today really, except for a few collection
13 pieces, is because of the insanity of the United States
14 corporation government out of Washington, D.C., which
15 are planning and have successfully so far to date taken
16 over this country. They are murdering their own
17 citizens. We are a nation divided and a nation fighting
18 against itself. What a shameful bunch of people we have
19 become. We are over in other countries slaughtering
20 other people in the name of the new American manifest
21 destiny. I don't think so.

22 Remember, Mr. Singal, you and I come from the
23 same era, and we have been exposed to a lot of similar
24 times and experiences through history. You may have
25 come from Italy, and I'm out here, but still we've seen

1 a lot of the same things. You were just brought up a
2 little different than I was. I was kind of like dumbled
3 down through the years, but I pushed through that stuff
4 and studied on my own. Dr. Channell said I'm only of
5 average intelligence. I didn't have any college. So I
6 had to learn it the hard way, from the street. But I
7 learned it. But because I learned the hard way, I will
8 never quit.

9 You can scare me, you can frighten me, you can
10 torture me like you have been doing. You have attempted
11 to kill me nine different times so far, and I
12 respectfully expect that sometime in the next 18 months
13 or so you will find a way of -- I will have a heart
14 attack or whatever because of this information I'm
15 bringing out and revealing the fact that our world
16 problems for the past 230 years plus, with the exception
17 of this country, were from the Freemasonry. It's all on
18 the computer. You can look it up.

19 You can slap five years on me. I will never
20 last five years. I was 36 years old, thank you very
21 much, counselor, for your wonderful -- we know that the
22 trial -- they may turn people into snitches all the
23 time. We know you didn't commit a crime, but we're
24 going to give you 40 years, but if you snitch on
25 somebody else, we'll drop it down to say five or

1 six months or whatever just to get people to snitch.

2 Am I terrified for America? Oh, yes. What
3 I've seen recently I didn't even know about two weeks
4 ago. I see infra-god, another brand of communist
5 organization designed and developed mostly by the U.S.
6 Attorney's Office, again, to snitch on fellow Americans
7 about this and that, whatever else may come up. 32,000
8 strong and growing, and they receive benefits -- perks
9 and benefits from the government for snitching. So it
10 makes it very attractive.

11 The other thing I find, which I have in one of
12 these envelopes, is this court is in business. The
13 court itself and its property makes a huge amount of
14 money off of every single criminal prisoner they bring
15 into this courtroom. They attach instead of bonds, 12
16 milli-bonds. First they -- and he knows exactly. He
17 makes a great deal of money off this, U.S. Attorney's
18 Office does. So does the U.S. Attorney, so does the
19 judge. You've got a bid bond, you've got a performance
20 bond, and you've got a payment bond. And the
21 corrections corporation of America out of Nashua,
22 Tennessee, who initially start these off, get sent to an
23 underwriter, an insurance company, and then it ends up
24 being sold internationally. But every prisoner that is
25 brought in makes millions of dollars, believe it or not,

1 on each one of them. Yeah, you're smiling. You should
2 be smiling, U.S. Attorney.

3 THE COURT: Address the Court, Mr. Brown.

4 MR. BROWN: I understand. So this is going on
5 every day. Now you take this money, these international
6 bankers, this corporation is known as -- let's see.
7 It's known as the United States of America, this
8 corporation that handles this prison system.

9 Now, the corporation known as the United
10 States of America is not the 50 union states like we
11 have always believed and loved our republic.

12 THE COURT: Just a second, Mr. Brown.

13 (Pause.) I just wanted to make sure she didn't need a
14 break. Just slow down because it's hard to keep up with
15 someone who is talking fast.

16 MR. BROWN: This is the first time, sir, in 10
17 years I've talked -- actually 20 years I'm talking to a
18 government official.

19 United States of America, we can't find it
20 anywhere in the records of where it was created. We
21 find it on the Constitution of the United States of
22 America. I'm sorry, the Constitution for the United
23 States of America. But in 1879 I believe it was, they
24 started a new constitution and killed the old one after
25 the Civil War in the reconstruction, and they call it

1 the Constitution of the United States. Whoops. We
2 didn't know that, did we. We were born into it.

3 So since that new constitution was in, what
4 they did -- what these Freemason lawyers did was to
5 change the Thirteenth Amendment on titles of nobility,
6 and the Fourteenth Amendment did not in fact free the
7 blacks and enslave the whites. But if you are going to
8 take over a country, you've got to do it slow and easy,
9 especially a country like ours because we will fight.
10 And they have been doing it through subrogation, slowly,
11 subversive, little by little, year by year. And I have
12 a chronology here where I can show you a good part of it
13 where they have done this year by year, act by act, law
14 by law, and little by little. They have changed the
15 form of government. They have changed the form of the
16 law. I believe it was lost to the courts -- I believe
17 it was in 1976 when they actually finished us off.
18 Yeah, 1979, the quiet war documents the other one.
19 Yeah, we lost to the courts in 1976. The documentation
20 is in here, in Senate Bill 94-204 and Senate Bill 94-381
21 for evidence.

22 We are guaranteed, and I emphatically will
23 scream at anybody to show me where they have that right,
24 and you hear the anger, to tell me that I can't present
25 my side of the case and why this attorney right here who

1 didn't want to be part of this should have been allowed
2 to leave, and you should never have referred this case.
3 You were always prejudiced on this case because of the
4 cases you heard last year with Mr. Gerhard and the other
5 two gentlemen, three gentlemen. You had preconceived
6 ideas, misconceptions. None of these men that I'm
7 supposed to have destroyed their lives did I destroy
8 anyone's life. I'm trying to save their lives, your
9 life, Mr. U.S. Attorney, and the judge's life, and
10 everybody else's in this country. That's my job whether
11 you like it or not, whether I like it or not. I swore
12 to do this.

13 I shake my head in shame. My fellow
14 Americans -- I guess you guys aren't Americans anymore.
15 I don't know what you are. I don't know what you are
16 trying to do. We don't need you. We really don't need
17 you. We can do just fine without lawyers and judges.
18 We need people who know how to adjudicate our situation.
19 Common law was fine and wonderful. If we remember, the
20 last common law court I saw was about 20 years ago, and
21 it's all on the same level. Nobody sits above anybody
22 else in a court of law under common law. It's a few
23 thousand years old, trial and error, developed
24 wonderfully, but we had a very neat form of law. That's
25 why it was experimental. You've got to use up what is

1 experimental.

2 THE COURT: You have another ten minutes.

3 MR. BROWN: Of course. They had several days.

4 THE COURT: Go ahead.

5 MR. BROWN: And this is why I rush, sir,
6 because I always get cut off, and it doesn't matter what
7 I say because you are just going to impose sentence,
8 frivolous, you did this. No, I didn't hurt those men.
9 They destroyed us. The Freemasons, the Jesuits, the
10 Zionists, the St. John's, the Knights Temple. Even the
11 KK was a Freemason organization. It goes on and on and
12 on. Ranger Society, nice order, Maternal Order of
13 Police, Moose Lodge. They're everywhere. These
14 organizations, they hand pick people and put them in
15 positions of power in every town, every county, every
16 state, and in every nation. No matter how crazy it
17 sounds, that's what's been going on.

18 Do we now know and understand that Abraham
19 Lincoln was killed by these Freemasons because of what
20 he was doing to the monetary system? Do we know that
21 John F. Kennedy was assassinated for the same thing Mr.
22 Lincoln was doing? Yes, we do. Bobby Kennedy would
23 have done the same thing. What did they do? They went
24 and said, ooh, young John-John Kennedy had a plane
25 accident. No, they killed him because he was a senator

1 that they knew we would have elected him hands down, and
2 they knew he would have gotten revenge and gone back
3 after the U.S. Attorney's Office and Freemasons, and it
4 goes on.

5 THE COURT: Mr. Brown, did you say the Moose
6 Lodge?

7 MR. BROWN: It appears that they are. Maybe
8 not, but it appears that they are.

9 So would you discredit me for one error, sir?

10 THE COURT: No, I'm just wondering.

11 MR. BROWN: We have hundreds of others that
12 are private Freemasonry worldwide, because this is
13 usually what they have done. You've got to admit, sir,
14 that you are of a Freemason organization. Are you not?
15 Of course. The bar association, which is British, and I
16 have the entire British information here, that Britain
17 still owns this country. You can smile, ma'am, but here
18 it is right here. It's on the record. It's on the
19 computer. The Treaty of Paris shows it. Common law
20 shows it, that this country is owned by Britain. I'm
21 just a researcher. I can make mistakes, but guess what?
22 I didn't. You just don't want to believe them. But
23 that's okay. At any rate, the bar association is --

24 THE COURT: Slow down.

25 MR. BROWN: -- is a British accredited

1 registry organization, which the ends of court is for
2 judges. And we find that the Knights Temple seen or
3 appears or integrated this court. And before any member
4 of the bar association can become a private organization
5 member, which they are not licensed by any state. They
6 have a little license by the bar. It's like a dental
7 bar or some baseball club bar association. They are
8 making laws here. Golly, gee. And they are everywhere.
9 They stand at the bench, a lawyer, and the clerk of
10 court, a lawyer, over here, a lawyer, this man right
11 here, another lawyer. We find that every single lawyer
12 in government is subject for charges and arrest. Not
13 all lawyers now. Ones that pertain to government
14 because they are now under suspicion for what they do.
15 They are dedicated and sworn to protect the secrecy of
16 the bankruptcy of 1973 or to reconstruct now this whole
17 order.

18 Here it says right in here, again, lawyers
19 don't have to represent me. They don't represent me.
20 They represent the court first, they represent the
21 public second, and they represent themselves third. And
22 if there is any conflict of any of those, they have to
23 go back to the court and represent the court and respect
24 the court.

25 Well, in that -- by the way, this is in the

1 encyclopedia of law. You can read that. You are
2 operating under commercial law is another one. This
3 Court is operating under commerce. That's why the big
4 bonds. Bonds, we are all in bondage. Every single
5 American is under bond. We haven't even talked about
6 the birth certificates. And the birth certificates,
7 sir, there is a million-dollar bond attached today to
8 every person who uses the department of commerce.

9 Would you like me to prove that, sir? I can
10 do that. He knows about it. U.S. Attorney's Office
11 knows about a lot of things. He mentioned this, that
12 I'm delusional. I created this whole thing about Waco
13 and Ruby Ridge with Mr. Weaver, Waco, Murrah Building,
14 TWA, and the trade center, and I say that they did it.

15 Sir, I don't lie. I don't lie to anybody
16 about anything, and that's -- I get very angry when
17 someone tells me I do.

18 I'm saying to this Court, fact of record, fact
19 of record, a thousand times the U.S. Attorney's Office
20 is right up to here in the murder of those people in all
21 of those locations. That's the enemy and the cell that
22 we are concerned about in this country is the bar
23 association. They have usurped a form of government,
24 and I think it's high time we had another rebellion
25 here. We really need one badly. They are murdering

1 people all over the world through the state departments.
2 They are in every town and community, and remember,
3 every bar association attorney is also a Freemason just
4 by having the bar association tag. That's sad. What
5 are we doing here to each other?

6 So as a member of the bar, I don't expect you
7 to do anything except have me killed. Why would you --
8 I've just identified who you were. I know most of the
9 media back out here. I know you guys. But I was
10 brought up to stand on facts, for the truth, for the
11 facts, for honesty, and I'm going to do it to the death,
12 and I don't care what you guys do. Bunch of cowards.
13 You don't stand up for nothing except your own personal
14 beliefs. You're filthy rich already. I know you are.
15 You've got a wonderful retirement package. His is huge.
16 They are all huge.

17 THE COURT: You've got three minutes.

18 MR. BROWN: Of course. I will not turn aside
19 my direction. My course is clear. The U.S. Marshal men
20 are alive because I made a conscious decision not to
21 hurt them, because I don't want to hurt anybody. But
22 I'm going to protect myself and my family, and it says
23 it crystal clear in the law, even in your statutory law,
24 if you were from New Hampshire, RSA 627:7. I can use
25 equal or greater force against anything that threatens

1 my life or my property. Read it. It's there. Against
2 any oppressive, including government.

3 And the only reason we have guns in this
4 country today is originally under the Second Amendment.
5 And 2A of the State of New Hampshire is against the
6 government. I am anything but anti-government, sir. I
7 am the government. And you can scowl all you want, sir,
8 but you are the enemy.

9 And so you can quiet me and kill me and
10 torture me and gas me -- and they did gas me, sir.
11 That's on the record, and we have the record. And you
12 can lie all you want. You lied about over 50 percent of
13 the things you said up there to this court.

14 THE COURT: Address the Court, Mr. Brown.

15 MR. BROWN: -- to this Court. Again, I'd love
16 the opportunity, again, to strip search this man here
17 and he's probably 20 years my junior, okay, to discuss
18 reality in American terms. Because not this Court, not
19 him, not this attorney or anybody else is going to tell
20 me I'm anything but horrible, and I would never hurt
21 anybody unless you threatened my life. And the U.S.
22 Marshals were trying not to do so, but they would have.
23 As the U.S. Marshal said at the trial, he would have
24 killed me in a second if I'd raised that gun.

25 The law says if you come at me with tanks, I

1 can use tanks. And you guys send A10 Warthog tank
2 busters over my house on several occasions, three tanks,
3 two helicopters, aircraft, over and over again, 200 plus
4 armed battle- dress uniformed soldiers, three sniper
5 teams around my house on the 4th of June. That's
6 disgusting. And you did in fact fire bullets beside
7 Danny Riley's head. He is an ex-military police
8 officer, and he knows the difference, and Danny Riley
9 doesn't lie.

10 If anyone's criminally insane or delusional,
11 sir, you are. Here are my facts. You never saw my
12 facts. I only saw your lies. I only saw this court's
13 lies. I saw the suppression of this Court not allowing
14 me to put these facts forward or my witnesses forward.

15 THE COURT: Thank you, Mr. Brown.

16 MR. BROWN: Of course.

17 THE COURT: All right. The Court has --

18 MR. BROWN: I had one hour. They had 15
19 years.

20 THE COURT: The Court has carefully reviewed
21 the contents of the Presentence Investigation Report. I
22 take those contents into account. I've also considered
23 what I heard from counsel, the evidence presented at
24 this hearing, and the contents of the allocution of this
25 defendant. I've indicated my rulings on disputed

1 issues.

2 Are there any other disputed issues that I
3 neglected to rule on, Mr. Iacopino?

4 MR. IACOPINO: Not that I can think of, your
5 Honor.

6 THE COURT: All right. At this time I make
7 the following guideline calculations. I find the facts
8 as set forth in the presentence report as amended in the
9 addendum except as set forth in response to objections.

10 Count 1, conspiracy to prevent officers of the
11 United States from discharging their duties, the Base
12 Offense Level is 14. Instant offense involved
13 threatening physical injury to a person in order to
14 obstruct justice. Base Offense Level is increased by 8
15 for a total of 22.

16 The instant offense resulted in substantial
17 interference with the administration of justice. The
18 Base Offense Level is increased by 3 for a total of 25.

19 Pursuant to Section 3B1.1(a) of the
20 guidelines, the offense level is increased 4 levels for
21 a total of 29.

22 Defendant committed the instant offense while
23 on release for the tax offenses in Docket No.
24 06-71-01-02. Therefore pursuant to 3C1.3, there is an
25 increase of 3 levels for a total of 32.

1 Count 2, conspiracy to commit offenses against
2 the United States, the offense level is 10. Pursuant to
3 3B1.1(c) the offense level is increased 4 levels for a
4 total of 14.

5 Defendant committed the offense while on
6 release for the federal tax offenses, therefore there is
7 an increase of 3 levels to 17.

8 Count 5, felon in possession, the instant
9 offense involved a semiautomatic firearm that was
10 capable of accepting a large capacity magazine. Base
11 Offense Level is 20. Instant offense involved between 8
12 and 24 firearms. Four levels are added to make it 24.
13 One of the firearms had an obliterated serial number.
14 That results in another four-level increase to 28.

15 Again, pursuant to Section 3B1.1(c) the
16 offense level is increased 4 levels for a total of 32.
17 The defendant committed this offense while on release
18 from the federal tax offenses as already mentioned.
19 There is an increase of 3 levels to 35.

20 Count 7, obstruction of justice, the Base
21 Offense Level is 14. Instant offense involved
22 threatening physical injury to a person in order to
23 obstruct the administration of justice. The Base
24 Offense Level is increased by 8 to 22.

25 The instant offense resulted in substantial

1 interference with the obstruction of justice. The Base
2 Offense Level is increased by 3 to 25. Pursuant to
3 3D1.1(c) the offense level is increased 4 levels to 29.
4 This offense was committed while the defendant was on
5 release for federal tax offenses, increasing it by 3
6 levels to 32.

7 Count 9, failure to appear for sentencing,
8 Base Offense Level is 6.

9 Count 10, failure to appear for sentencing,
10 Base Offense Level is 6. The counts are grouped
11 together pursuant to 3D1.2(c). Therefore the combined
12 offense level is determined by using the highest offense
13 level of the counts, which in this case is Count 5.
14 Felon in possession results in a combined offense level
15 of 35.

16 Defendant has a Criminal History Category III
17 resulting in a guideline range of 210 to 262 months.
18 The sentence for Count 3 is a minimum of 30 years of
19 imprisonment which is consecutive to any other sentence.

20 The defendant is not eligible for probation.

21 The term of supervised release on Count 3 is
22 three to five years.

23 Fine range is \$20,000 to \$200,000.

24 Special assessment fee of \$700 is mandatory.

25 Government have any objection to the guideline

1 calculations?

2 MR. HUFTALEN: No, your Honor.

3 THE COURT: Reserving all your prior
4 objections, Mr. Iacopino, do you have any additional
5 objections?

6 MR. IACOPINO: No, your Honor.

7 THE COURT: The term of the sentence I'm
8 imposing is sufficient but not greater than necessary to
9 effectuate the goals of 18 USC, Section 3553(a).

10 In setting this sentence, I've carefully
11 considered the sentencing range set forth in the
12 advisory lines. I of course give the guidelines no
13 controlling weight. I've also taken into account all
14 the factors set forth in 18 USC, Section 3553(a), and,
15 in particular, the following factors: The nature and
16 circumstances of the offense, the seriousness of the
17 offense, the need to promote respect for the law, the
18 need to --

19 MR. BROWN: Right.

20 THE COURT: -- impose just punishment, the
21 need for deterrence -- Mr. Brown.

22 MR. BROWN: Would you take me out, please.
23 I've had enough of this trash.

24 THE COURT: All right. Mr. Brown is free to
25 leave the courtroom. Goodbye, Mr. Brown. Take him out.

1 (Mr. Brown exited the courtroom.)

2 THE COURT: -- the need to protect the public
3 from further crimes of this defendant, and the impact of
4 the crime on the victims here.

5 The record should reflect at this point Mr.
6 Brown has requested to leave the courtroom during
7 sentencing. That request was granted.

8 In many ways Mr. Brown is a very lucky man to
9 be living in this country. There are many countries in
10 the world that if he had disobeyed a court order, he
11 wouldn't have been sitting in his home for nine months
12 threatening government officials who were trying to
13 enforce a court order. Despite Mr. Brown's feelings
14 about the government, most governments in the world
15 today would have executed the sentence promptly and most
16 likely have executed Mr. Brown quite promptly.

17 Mr. Brown is an individual who takes the
18 benefits of the society that he lives in with regard to
19 freedom of speech, freedom to publish, the right to due
20 process, yet wishes to deny those freedoms to others.
21 Mr. Brown engaged in a long period of lawlessness and
22 endangered multiple government officials in the
23 discharge of their duties.

24 It's clear to me that Mr. Brown is entirely
25 unrepentant. His words are, quote, I will never quit,

1 unquote. He prides himself on the fact that he could
2 have killed a number of marshals, yet through his
3 inherent goodness failed to do so. I have no doubt in
4 my mind that Mr. Brown would have killed multiple
5 marshals if they hadn't dealt with him so effectively.

6 So the actions of Mr. Brown are reprehensible.
7 The seriousness of the offense is high, and I believe a
8 severe punishment is necessary to promote respect for
9 the law and to deter others who attempted to engage in
10 this type of conduct.

11 Mr. Brown confuses the ability of people in
12 this country to promote their views with his decision
13 that everyone must agree with him. Mr. Brown would deny
14 the right to others of their beliefs merely because they
15 conflict with his. Surprisingly, or not surprisingly,
16 that's his right in this country.

17 This is a very sad case in many ways. It's
18 very sad that Mr. Brown and his beliefs caused others to
19 be entrapped in his way. Mr. Riley who will in all
20 likelihood never leave prison, Mr. Gonzalez who, though
21 he received a shorter prison sentence, has apparently
22 been irrevocably tainted by these views, and I fear for
23 Mr. Gonzalez's future, Mr. Wolffe whose life has been
24 totally disrupted because of Mr. Brown, and most
25 pathetically Mr. Gerhard, a young student who was drawn

1 into the beliefs espoused by Mr. Brown is serving a
2 severe prison sentence because of his involvement with
3 the weapons and explosives.

4 Regardless of Mr. Brown's belief and his
5 views, I was hoping for some indication of remorse of
6 what occurred to these others.

7 Mrs. Brown, who has now been sentenced to --
8 in all likelihood is the rest of her natural life in
9 prison, perhaps an indication of remorse that his wife,
10 a woman who lifted herself up by her boot straps to
11 become a dentist, must serve most likely the rest of her
12 life. An indication of remorse, sympathy, or sadness
13 might have been appropriate.

14 And what is perhaps the saddest of all in
15 terms of Mr. Brown is an individual who throughout his
16 life never quite garnered the stature that he believed
17 he deserved until the media, because of his views in
18 this case and his threats to the government, gave him
19 the glory that he felt he deserved all along.

20 Someone once said that everyone gets their
21 fifteen minutes of fame, and Mr. Brown unfortunately was
22 revelling in his during the course of his conduct. His
23 fifteen minutes ran out.

24 I will impose sentence at this time.

25 Pursuant to the Sentencing Reform Act of 1984,

1 it is the judgment of this Court that the defendant,
2 Edward Brown, is committed to the custody of the Bureau
3 of Prisons to be imprisoned for a term of 72 months on
4 Count 1, 5, and 7; 60 months on Count 2 to run
5 concurrent with Counts 1, 5, and 7; 12 months on Count 9
6 and 10 to be concurrent with the terms imposed on Counts
7 1, 2, 5, and 7; and 360 months on Count 3 to be served
8 consecutive to the terms imposed on Counts 1, 2, 5, 7,
9 9, and 10, for a total term of 444 months imprisonment.

10 That is less than the government requested.

11 Mr. Brown lives in a country where a sentence that is
12 sufficient but not greater should be imposed.

13 The term of imprisonment imposed by this
14 judgment shall run consecutive to the defendant's term
15 of imprisonment under any previous state or federal law
16 sentence.

17 Upon release from imprisonment, this defendant
18 shall be placed on supervised release for a term of
19 three years. This term consists of terms of three years
20 on each of Counts 1, 2, 3, 5, 7, 9, and 10, all to run
21 concurrently.

22 Within 72 hours of release from the custody of
23 the Bureau of Prisons, the defendant shall report in
24 person to the probation office in the district to which
25 he is released. While on supervised release, the

1 defendant shall not commit any other federal, state, or
2 local crime and shall comply with the standard
3 conditions previously adopted by this Court, and shall
4 comply with the following additional conditions:

5 He shall not illegally possess a controlled
6 substance.

7 He shall not possess a firearm, destructive
8 device, or other dangerous weapon.

9 Pursuant to public law, the defendant shall
10 submit to DNA collection while incarcerated at the
11 Bureau of Prisons or as directed by the probation
12 office.

13 The drug testing condition is suspended based
14 on my determination that this defendant poses a low risk
15 of future substance abuse.

16 The defendant shall pay any financial penalty
17 imposed by this judgment that remains unpaid at the
18 commencement of the term of supervised release.

19 In addition, the defendant shall comply with
20 the following special condition of supervised release.
21 He shall submit his person, residence, office, or
22 vehicle to a search conducted by the probation officer
23 in a reasonable time and in a reasonable manner based on
24 a reasonable suspicion that contraband or evidence of a
25 violation of the term of supervised release may exist.

1 Failure to submit to the search may be grounds for
2 revocation.

3 The defendant shall warn any other residents
4 that these premises may be subject to searches pursuant
5 to this condition.

6 The Court finds that this defendant does not
7 have the ability to pay a fine and I am waiving the fine
8 in this case. Defendant is ordered to pay a special
9 assessment of \$700 which shall be due and payable
10 immediately in the form of a lump sum payment.

11 This defendant, as I've earlier indicated, has
12 a right to appeal the conviction and the sentence. Mr.
13 Iacopino, you are aware that this right of appeal must
14 be exercised in writing within ten days of today and not
15 after that, and that if there is a failure to file a
16 written notice of appeal within that period of time, the
17 rights of appeal will be waived. Mr. Iacopino, I would
18 request that you inform your client of his rights of
19 appeal and inform him further that if he cannot afford
20 an appeal, the appeal will be filed by the clerk without
21 cost. You may wish to file an appeal on behalf of your
22 client in any event.

23 MR. IACOPINO: Your Honor, just to address
24 that point, as I've indicated to you today, Mr. Brown
25 does not communicate with me. I doubt that we would

1 ever get to a spot in a conversation where he would
2 direct me to file a notice of appeal. It is my
3 intention to file the notice of appeal today and to
4 inform Mr. Brown -- well, I also intend to move to
5 withdraw from representing Mr. Brown on appeal and ask
6 that counsel from the appellate panel be appointed to
7 represent him in the First Circuit so that somebody else
8 can take a fresh look at the record. I would also tell
9 Mr. Brown that he should try to communicate with that
10 counsel.

11 THE COURT: Thank you, Mr. Iacopino. I'm sure
12 that the circuit will appoint counsel. Is there
13 anything else from the government?

14 MR. HUFTALEN: No, your Honor.

15 THE COURT: Mr. Iacopino, anything else?

16 MR. IACOPINO: Nothing else, your Honor.

17 Thank you.

18 THE COURT: Defendant is remanded in execution
19 of sentence. We're in recess.

20 (Adjourned at 11:30 a.m.)

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C E R T I F I C A T E

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I, Diane M. Churas, do hereby certify that the

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foregoing transcript is a true and accurate

6

transcription of the within proceedings, to the best of

7

my knowledge, skill, ability and belief.

8

Submitted: 7-23-10

9

/s/ Diane M. Churas ____
DIANE M. CHURAS, LCR, CRR

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